

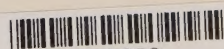
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HANSARD'S PARLIAMENTARY DEBATES.

THIRD SERIES,
COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

25° VICTORIÆ, 1862.

VOL. CLXV.

COMPRISING THE PERIOD FROM
THE SIXTH DAY OF FEBRUARY, 1862,
TO
THE TWENTY-FOURTH DAY OF MARCH 1862.

First Volume of the Session.

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PATENT OFFICE

VOLUME CLXX.

THIRD SERIES.

THE PATENT OFFICE

WILLIAM IV.

I. Statute in Force in the Year of 1840.

II. Statute in Force in the Year of 1841.

III. Statute in Force in the Year of 1842.

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I. Statute in Force in the Year of 1868.

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III. Statute in Force in the Year of 1870.

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Oxford County.—Lieutenant Colonel John William Fane, v. George Granville Vernon Harcourt, Esq., deceased.

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THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Right Hon. Viscount PALMERSTON.
Lord Chancellor	Right Hon. Lord WESTBURY.
President of the Council	Right Hon. Earl GRANVILLE.
Lord Privy Seal	His Grace the Duke of ARGYLL.
Secretary of State, Home Department	Right Hon. Sir GEORGE GREY, Bt.
Secretary of State, Foreign Department	Right Hon. Earl RUSSELL.
Secretary of State for Colonies	His Grace the Duke of NEWCASTLE.
Secretary of State for War	Right Hon. Sir GEORGE CORNEWALL LEWIS, Bt.
Secretary of State for India	Right Hon. Sir CHARLES WOOD, Bt.
Chancellor of the Exchequer	Right Hon. WILLIAM EWART GLADSTONE.
First Lord of the Admiralty	His Grace the Duke of SOMERSET.
President of the Board of Trade	Right Hon. THOMAS MILNER GIBSON.
Postmaster General	Right Hon. Lord STANLEY of ALDERLEY.
Chancellor of the Duchy of Lancaster	Right Hon. EDWARD CARDWELL.
Chief Commissioner of the Poor Law Board	Right Hon. CHARLES PELHAM VILLIERS.

NOT IN THE CABINET.

General Commanding-in-Chief	H.R.H. Duke of CAMBRIDGE.
Paymaster of the Forces, and Vice-President of the Board of Trade	Right Hon. WILLIAM HUTT.
Vice President of the Committee of Privy Council for Education	Right Hon. ROBERT LOWE.
Chief Commissioner of Works and Public Buildings	Right Hon. WILLIAM FRANCIS COWPER.
Lords of the Treasury	EDWARD HUGESSEN KNATCHBULL-HUGESSEN, Esq., Sir WILLIAM DUNBAR, Bt., and Lieutenant Colonel LUKE WHITE.
Lords of the Admiralty	Rear Admiral the Hon. FREDERICK WILLIAM GREY, K.C.B., Captain CHARLES EDEN, C.B., Captain CHARLES FREDERICK, Captain the Hon. JAMES ROBERT DRUMMOND, C.B., and SAMUEL WHITBREAD, Esq.
Joint Secretaries of the Treasury	Hon. HENRY BOUVIERE WILLIAM BRAND, and Right Hon. FREDERICK PEEL.
Secretary of the Admiralty	Rear Admiral Lord CLARENCE EDWARD PAGET, C.B.
Secretary to the Poor Law Commissioners	CHARLES GILPIN, Esq.
Under Secretary for the Home Department	GEORGE CLIVE, Esq.
Under Secretary for Foreign Affairs	AUSTEN HENRY LAYARD, Esq.
Under Secretary for the Colonies	CHICHESTER SAMUEL FORTESCUE, Esq.
Under Secretary for War	Right Hon. Earl DE GREY and RIPON.
Under Secretary for India	THOMAS GEORGE BARING, Esq.
Judge Advocate General	Right Hon. THOMAS EMERSON HEADLAM.
Attorney General	Sir WILLIAM ATHERTON, Knt.
Solicitor General	Sir ROUNDELL PALMER, Knt.

SCOTLAND.

Lord Advocate	Right Hon. JAMES MONCREIFF.
Solicitor General	EDWARD FRANCIS MAITLAND, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of CARLISLE.
Lord Chancellor	Right Hon. MAZIERE BRADY.
Chief Secretary to the Lord Lieutenant	Right Hon. Sir ROBERT PEEL, Bt.
Attorney General	Right Hon. THOMAS O'HAGAN.
Solicitor General	JAMES ANTHONY LAWSON, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl of ST. GERMANS.
Lord Chamberlain	Right Hon. Viscount SYDNEY.
Master of the Horse	Most Hon. Marquess of AILESBURY.
Treasurer of the Household	Right Hon. Viscount BURY.
Comptroller of the Household	Right Hon. Lord PROBY.
Vice Chamberlain of the Household	Right Hon. Viscount CASTLEROSSE.
Captain of the Corps of Gentlemen at Arms	Right Hon. Lord FOLEY.
Captain of the Yeomen of the Guard	Right Hon. Earl of DUCIE.
Master of the Buckhounds	Right Hon. Earl of BESSBOROUGH.
Chief Equerry and Clerk Marshal	LORD ALFRED HENRY PAGET.
Mistress of the Robes	Duchess of WELLINGTON.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL

IN THE FOURTH SESSION OF THE EIGHTEENTH PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND.

25^o VICTORIÆ, 1862.

MEM.—According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord Highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.

His Royal Highness THE PRINCE of WALES.	WILLIAM Duke of BEDFORD.
His Royal Highness GEORGE FREDERICK ALEXANDER CHARLES ERNEST AUGUSTUS Duke of CUMBERLAND and TEVIOTDALE. (<i>King of Hanover.</i>)	WILLIAM Duke of DEVONSHIRE.
His Royal Highness GEORGE WILLIAM FREDERICK CHARLES Duke of CAMBRIDGE.	JOHN WINSTON Duke of MARLBOROUGH.
JOHN BIRD Archbishop of CANTERBURY.	CHARLES CECIL JOHN Duke of RUTLAND.
RICHARD Lord WESTBURY, <i>Lord Chancellor.</i>	WILLIAM ALEXANDER ANTHONY ARCHIBALD Duke of BRANDON. (<i>Duke of Hamilton.</i>)
CHARLES THOMAS Archbishop of YORK.	WILLIAM JOHN Duke of PORTLAND.
JOHN GEORGE Archbishop of ARMAGH.	WILLIAM DROGO Duke of MANCHESTER.
GRANVILLE GEORGE Earl GRANVILLE, <i>Lord President of the Council.</i>	HENRY PELHAM Duke of NEWCASTLE.
GEORGE DOUGLAS Lord SUNDRIDGE. (<i>Duke of Argyll.</i>) <i>Lord Privy Seal.</i>	ALGERNON Duke of NORTHUMBERLAND.
	ARTHUR RICHARD Duke of WELLINGTON.
	RICHARD PLANTAGENET CAMPBELL Duke of BUCKINGHAM and CHANDOS.
	GEORGE GRANVILLE WILLIAM Duke of SUTHERLAND.
	HENRY Duke of CLEVELAND.
HENRY Duke of NORFOLK, <i>Earl Marshal of England.</i>	JOHN Marquess of WINCHESTER.
EDWARD ADOLPHUS Duke of SOMERSET.	GEORGE Marquess of TWEEDDALE. (<i>Elected for Scotland.</i>)
CHARLES HENRY Duke of RICHMOND.	HENRY Marquess of LANSDOWNE.
HENRY Duke of GRAFTON.	JOHN Marquess TOWNSHEND.
HENRY CHARLES FITZROY Duke of BEAUFORT.	JAMES BROWNLOW WILLIAM Marquess of SALISBURY.
WILLIAM AMELIUS AUBREY DE VERE Duke of SAINT ALBANS.	JOHN ALEXANDER Marquess of BATH.
GEORGE GODOLPHIN Duke of LEEDS.	JAMES Marquess of ABERCORN.
	RICHARD Marquess of HERTFORD.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

JOHN PATRICK Marquess of BUTE.
 BROWNLOW Marquess of EXETER.
 CHARLES Marquess of NORTHAMPTON.
 GEORGE CHARLES Marquess CAMDEN.
 HENRY Marquess of ANGLESEY.
 GEORGE HORATIO Marquess of CHOLMONDE-
 LEY.
 HENRY WEYSFORD CHARLES PLANTAGENET
 Marquess of HASTINGS.
 GEORGE WILLIAM FREDERICK Marquess of
 AILESBUURY.
 GEORGE THOMAS JOHN Marquess of WEST-
 MEATH. (*Elected for Ireland.*)
 FREDERICK WILLIAM Marquess of BRISTOL.
 ARCHIBALD Marquess of AILSA.
 JOHN Marquess of BREADALBANE.
 RICHARD Marquess of WESTMINSTER.
 CONSTANTINE HENRY Marquess of NOR-
 MANBY.
 EDWARD GRANVILLE Earl of SAINT GER-
 MANS, *Lord Steward of the House-*
hold.
 HENRY JOHN Earl of SHREWSBURY.
 EDWARD GEOFFREY Earl of DERBY.
 FRANCIS THEOPHILUS HENRY Earl of HUN-
 TINGDON.
 ROBERT HENRY Earl of PEMBROKE and
 MONTGOMERY.
 WILLIAM REGINALD Earl of DEVON.
 CHARLES JOHN Earl of SUFFOLK and BERK-
 SHIRE.
 WILLIAM BASIL PERCY Earl of DENBIGH.
 FRANCIS WILLIAM HENRY Earl of WEST-
 MORLAND.
 GEORGE AUGUSTUS FREDERICK ALBEMARLE
 Earl of LINDSEY.
 GEORGE HARRY Earl of STAMFORD and
 WARRINGTON.
 GEORGE JAMES Earl of WINCHILSEA and
 NOTTINGHAM.
 GEORGE Earl of CHESTERFIELD.
 JOHN WILLIAM Earl of SANDWICH.
 ARTHUR ALGERNON Earl of ESSEX.
 JAMES THOMAS Earl of CARDIGAN.
 GEORGE WILLIAM FREDERICK Earl of CAR-
 LISLE.
 WALTER FRANCIS Earl of DONCASTER.
 (*Duke of Buccleuch and Queensberry.*)
 ANTHONY Earl of SHAFTESBURY.
 ——— Earl of BERKELEY.
 MONTAGU Earl of ABINGDON.
 RICHARD GEORGE Earl of SCARBROUGH.

GEORGE THOMAS Earl of ALBEMARLE.
 GEORGE WILLIAM Earl of COVENTRY.
 VICTOR ALBERT GEORGE Earl of JERSEY.
 JOHN Earl POULETT.
 SHOLTO JOHN Earl of MORTON. (*Elected for*
Scotland.)
 JAMES Earl of CAITHNESS. (*Elected for*
Scotland.)
 COSPATRICK ALEXANDER Earl of HOME.
 (*Elected for Scotland.*)
 THOMAS GEORGE Earl of STRATHMORE.
 (*Elected for Scotland.*)
 GEORGE Earl of HADDINGTON (*Elected for*
Scotland.)
 DAVID GRAHAM DRUMMOND Earl of AIRLIE.
 (*Elected for Scotland.*)
 DUNBAR JAMES Earl of SELKIRK. (*Elected*
for Scotland.)
 THOMAS JOHN Earl of ORKNEY. (*Elected*
for Scotland.)
 SEWALLIS EDWARD Earl FERRERS.
 WILLIAM WALTER Earl of DARTMOUTH.
 CHARLES Earl of TANKERVILLE.
 HENEAGE Earl of AYLESFORD.
 FRANCIS THOMAS DE GREY Earl COWPER.
 PHILIP HENRY Earl STANHOPE.
 THOMAS AUGUSTUS WOLSTENHOLME Earl of
 MACCLESFIELD.
 GEORGE WILLIAM RICHARD Earl of POM-
 FRET.
 JAMES Earl GRAHAM. (*Duke of Montrose.*)
 WILLIAM FREDERICK Earl WALDEGRAVE.
 BERTRAM Earl of ASHBURNHAM,
 LEICESTER FITZGERALD CHARLES Earl of
 HARRINGTON.
 ISAAC NEWTON Earl of PORTSMOUTH.
 GEORGE GUY Earl BROOKE and Earl of
 WARWICK.
 AUGUSTUS EDWARD Earl of BUCKINGHAM-
 SHIRE.
 WILLIAM THOMAS SPENCER Earl FITZWIL-
 LIAM.
 DUDLEY, FRANCIS Earl of GUILFORD.
 CHARLES PHILIP Earl of HARDWICKE.
 WILLIAM THOMAS HORNER Earl of ILCHES-
 TER.
 GEORGE JOHN Earl DE LA WARR.
 WILLIAM Earl of RADNOR
 JOHN POYNTZ Earl SPENCER.
 HENRY GEORGE Earl BATHURST.
 ARTHUR WILLS BLUNDELL SANDYS TRUM-
 BULL WINDSOR Earl of HILLSBOROUGH.
 (*Marquess of Downshire.*)

ROLL OF THE LORDS

- GEORGE WILLIAM FREDERICK Earl of CLAREN-
 RENDON.
 WILLIAM DAVID Earl of MANSFIELD.
 WILLIAM Earl of ABERGAVENNY.
 GEORGE AUGUSTUS FREDERICK JOHN Earl
 STRANGE. (*Duke of Athol.*)
 WILLIAM HENRY Earl of MOUNT EDG-
 CUMBE. (*In another place as Lord*
Fortescue.)
 HUGH Earl FORTESCUE.
 GEORGE Earl of BEVERLEY.
 HENRY HOWARD MOLYNEUX Earl of CAR-
 NARVON.
 GEORGE Earl CADOGAN.
 JAMES HOWARD Earl of MALMESBURY.
 GEORGE JOHN DANVERS Earl of LANESBO-
 ROUGH. (*Elected for Ireland.*)
 FRANCIS WILLIAM Earl of CHARLEMONT.
 (*In another place as Lord Charlemont.*)
 (*Elected for Ireland.*)
 STEPHEN Earl of MOUNT CASHELL. (*Elected*
for Ireland.)
 HENRY JOHN REUBEN Earl of PORTAR-
 LINGTON. (*Elected for Ireland.*)
 ROBERT Earl of MAYO. (*Elected for Ire-*
land.)
 JOHN Earl of ERNE. (*Elected for Ire-*
land.)
 JOHN OTWAY O'CONNOR Earl of DESART.
 (*Elected for Ireland.*)
 WILLIAM Earl of WICKLOW. (*Elected for*
Ireland.)
 GEORGE CHARLES Earl of LUCAN. (*Elected*
for Ireland.)
 SOMERSET RICHARD Earl of BELMORE.
 (*Elected for Ireland.*)
 FRANCIS Earl of BANDON. (*Elected for*
Ireland.)
 JAMES ALEXANDER Earl of ROSSLYN.
 WILLIAM Earl of CRAVEN.
 ARTHUR GEORGE Earl of ONSLOW.
 CHARLES Earl of ROMNEY.
 HENRY THOMAS Earl of CHICHESTER.
 THOMAS Earl of WILTON.
 EDWARD JAMES Earl of POWIS.
 HORATIO Earl NELSON.
 WILLIAM Earl of ROSSE. (*Elected for*
Ireland.)
 SIDNEY WILLIAM HERBERT Earl MANVERS.
 HORATIO Earl of ORFORD.
 HENRY Earl GREY.
 WILLIAM Earl of LONSDALE.
 DUDLEY Earl of HARROWBY.
 HENRY THYNNE Earl of HAREWOOD.
 WILLIAM HUGH Earl of MINTO.
 ALAN FREDERICK Earl CATHCART.
 JAMES WALTER Earl of VERULAM.
 JOHN WILLIAM SPENCER BROWNLOW Earl
 BROWNLOW.
 EDWARD GRANVILLE Earl of SAINT GER-
 MANS. (*In another place as Lord*
Steward of the Household.)
 EDMUND Earl of MORLEY.
 GEORGE AUGUSTUS FREDERICK HENRY Earl
 of BRADFORD.
 HENRY BEAUCHAMP Earl BEAUCHAMP.
 RICHARD Earl of BANTRY. (*Elected for*
Ireland.)
 GEORGE FREDERICK SAMUEL Earl DE GREY.
 JOHN Earl of ELDON.
 RICHARD WILLIAM PENN Earl HOWE.
 CHARLES SOMMERS Earl SOMMERS.
 JOHN EDWARD CORNWALLIS Earl of STRAD-
 BROKE.
 GEORGE HENRY ROBERT CHARLES WILLIAM
 Earl VANE.
 WILLIAM PITT Earl AMHERST.
 JOHN FREDERICK VAUGHAN Earl CAWDOR.
 WILLIAM GEORGE Earl of MUNSTER.
 ADAM Earl of CAMPERDOWN.
 THOMAS GEORGE Earl of LICHFIELD.
 GEORGE FREDERICK D'ARCY Earl of
 DURHAM.
 GRANVILLE GEORGE Earl GRANVILLE. (*In*
another place as Lord President of the
Council.)
 HENRY Earl of EFFINGHAM.
 HENRY JOHN Earl of DUCIE.
 CHARLES Earl of YARBOROUGH.
 JAMES HENRY ROBERT Earl INNES. (*Duke*
of Roxburghe.)
 THOMAS WILLIAM Earl of LEICESTER.
 WILLIAM Earl of LOVELACE.
 THOMAS Earl of ZETLAND.
 CHARLES NOEL Earl of GAINSBOROUGH.
 EDWARD Earl of ELLENBOROUGH.
 GEORGE GRANVILLE FRANCIS Earl of
 ELLESMERE.
 GEORGE STEVENS Earl of STRAFFORD.
 CHARLES EDWARD Earl of COTTENHAM.
 HENRY RICHARD CHARLES Earl COWLEY.
 CHARLES JOHN Earl CANNING.

SPIRITUAL AND TEMPORAL.

ARCHIBALD WILLIAM Earl of WINTON.
(Earl of Eglintoun.)
 WILLIAM Earl of DUDLEY
 JOHN Earl RUSSELL.

 JOHN ROBERT Viscount SYDNEY, *Lord*
Chamberlain of the Household.
 ROBERT Viscount HEREFORD.
 WILLIAM HENRY Viscount STRATHALLAN.
(Elected for Scotland.)
 HENRY Viscount BOLINGBROKE and ST.
 JOHN.
 EVELYN Viscount FALMOUTH.
 GEORGE Viscount TORRINGTON.
 AUGUSTUS FREDERICK Viscount LEINSTER.
(Duke of Leinster.)
 HENRY Viscount MAYNARD.
 JOHN ROBERT Viscount SYDNEY. *(In*
another place as Lord Chamberlain of
the Household.)
 FRANCIS WHEELER Viscount HOOD.
 ARTHUR Viscount DUNGANNON. *(Elected*
for Ireland.)
 THOMAS Viscount DE VESCI. *(Elected for*
Ireland.)
 JAMES Viscount LIFFORD. *(Elected for Ire-*
land.)
 EDWARD Viscount BANGOR. *(Elected for*
Ireland.)
 HAYES Viscount DONERAILE. *(Elected for*
Ireland.)
 CARNEGIE ROBERT JOHN Viscount ST.
 VINCENT.
 HENRY Viscount MELVILLE.
 WILLIAM LEONARD Viscount SIDMOUTH.
 GEORGE JOHN JAMES Viscount GORDON.
(Earl of Aberdeen.)
 EDWARD Viscount EXMOUTH.
 RICHARD JOHN Viscount HUTCHINSON.
(Earl of Donoughmore.)
 WILLIAM THOMAS Viscount CLANCARTY.
(Earl of Clancarty.)
 STAPLETON Viscount COMBERMERE.
 CHARLES JOHN Viscount CANTERBURY.
 ROWLAND Viscount HILL.
 CHARLES STEWART Viscount HARDINGE.
 HUGH Viscount GOUGH.
 STRATFORD Viscount STRATFORD DE RED-
 CLIFFE.
 CHARLES Viscount EVERSLEY
 ARCHIBALD CAMPBELL Bishop of LONDON.
 CHARLES Bishop of DURHAM.
 CHARLES RICHARD Bishop of WINCHESTER.

HENRY Bishop of EXETER.
 GEORGE Bishop of PETERBOROUGH.
 CONNOP Bishop of ST. DAVID'S.
 ASHHURST TURNER Bishop of CHICHESTER.
 JOHN Bishop of LICHFIELD.
 THOMAS Bishop of ELY.
 SAMUEL Bishop of OXFORD.
 THOMAS VOWLER Bishop of ST. ASAPH.
 JAMES PRINCE Bishop of MANCHESTER.
 RENN DICKSON Bishop of HEREFORD.
 JOHN Bishop of CHESTER.
 ALFRED Bishop of LLANDAFF.
 JOHN Bishop of LINCOLN.
 WALTER KERE Bishop of SALISBURY.
 ROBERT JOHN Bishop of BATH and WELLS.
(In another place as Lord Auckland.)
 ROBERT Bishop of RIPON.
 JOHN THOMAS Bishop of NORWICH.
 JAMES COLQUHOUN Bishop of BANGOR.
 JOSEPH COTTON Bishop of ROCHESTER.
 SAMUEL Bishop of CARLISLE.
 HENRY Bishop of WORCESTER.
 WILLIAM Bishop of KILLALOE, KILFENORA,
 CLONFERT, and KILMACDUGAH.
 MARCUS GERVAIS Bishop of KILMORE, EL-
 PHIN, and ARDAGH.
 JOSEPH HENDERSON Bishop of MEATH.

 WILLIAM LENNOX LASCELLES Lord DE ROS.
 JACOB HENRY DELAVAL Lord HASTINGS.
 GEORGE EDWARD Lord AUDLEY.
 PETER ROBERT Lord WILLOUGHBY DE
 ERESBY.
 THOMAS CROSBY WILLIAM Lord DACRE.
 CHARLES RODOLPH Lord CLINTON.
 THOMAS Lord CAMOYS.
 HENRY Lord BEAUMONT.
 CHARLES Lord STOURTON.
 HENRY WILLIAM Lord BERNERS.
 ROBERT JOHN Lord WILLOUGHBY DE BROKE.
 SACKVILLE GEORGE Lord CONYERS.
 GEORGE Lord VAUX of HARROWDEN.
 ST. ANDREW BEAUCHAMP Lord ST. JOHN OF
 BLETISO.
 CHARLES AUGUSTUS Lord HOWARD DE
 WALDEN.
 WILLIAM BERNARD Lord PETRE.
 FREDERICK BENJAMIN Lord SAYE and SELE.
 HENRY BENEDICT Lord ARUNDELL of WAR-
 DOUR.
 JOHN STUART Lord CLIFTON. *(Earl of*
Darnley.)

ROLL OF THE LORDS

JOSEPH THADDEUS Lord DORMER.	RICHARD Lord CARLETON. (<i>Earl of Shan-</i> <i>non.</i>)
GEORGE HENRY Lord TEYNHAM.	CHARLES Lord SUFFIELD.
HENRY VALENTINE Lord STAFFORD.	GUY Lord DORCHESTER.
GEORGE ANSON Lord BYRON.	LOYD Lord KENTON.
CHARLES HUGH Lord CLIFFORD of CHUD- LEIGH.	CHARLES CORNWALLIS Lord BRAYBROOKE.
ALEXANDER Lord SALTOUN. (<i>Elected for</i> <i>Scotland.</i>)	GEORGE HAMILTON Lord FISHERWICK. (<i>Mar-</i> <i>quess of Donegal.</i>)
JOHN Lord GRAY. (<i>Elected for Scotland.</i>)	HENRY HALL Lord GAGE. (<i>Viscount Gage.</i>)
CHARLES Lord BLANTYRE. (<i>Elected for</i> <i>Scotland.</i>)	EDWARD THOMAS Lord THURLOW.
CHARLES JOHN Lord COLVILLE of CULROSS. (<i>Elected for Scotland.</i>)	ROBERT JOHN Lord AUCKLAND. (<i>In an-</i> <i>other place as Bishop of Bath and</i> <i>Wells.</i>)
JOHN Lord ROLLO. (<i>Elected for Scotland.</i>)	GEORGE WILLIAM Lord LYTTTELTON.
HENRY FRANCIS Lord POLWARTH. (<i>Elected</i> <i>for Scotland.</i>)	HENRY Lord MENDIP. (<i>Viscount Clifden</i>
RICHARD EDMUND SAINT LAWRENCE Lord BOYLE. (<i>Earl of Cork and Orrery.</i>)	JOHN Lord STUART of CASTLE STUART (<i>Earl of Moray.</i>)
THOMAS ROBERT Lord HAY. (<i>Earl of</i> <i>Kinnoul.</i>)	RANDOLPH Lord STEWART of GARLIES. (<i>Earl of Galloway.</i>)
HENRY Lord MIDDLETON.	JAMES GEORGE HENRY Lord SALTERSFORD. (<i>Earl of Courtown.</i>)
WILLIAM JOHN Lord MONSON.	CHARLES Lord BRODRICK. (<i>Viscount Midle-</i> <i>ton.</i>)
HUGH Lord FORTESCUE. (<i>In another place</i> <i>as Earl Fortescue.</i>)	FREDERICK Lord CALTHORPE.
GEORGE JOHN BRABAZON Lord PONSONBY. (<i>Earl of Bessborough.</i>)	ROBERT JOHN Lord CARRINGTON.
HENRY Lord WYCOMBE.	HENRY Lord BAYNING.
GEORGE JOHN Lord SONDES.	WILLIAM HENRY Lord BOLTON.
ALFRED NATHANIEL HOLDEN Lord SCARS- DALE.	JOHN Lord WODEHOUSE.
GEORGE IVES Lord BOSTON.	GEORGE Lord NORTHWICK.
GEORGE JAMES Lord LOVEL and HOLLAND (<i>Earl of Egmont.</i>)	THOMAS LYTTLETON Lord LILFORD.
GEORGE JOHN Lord VERNON.	THOMAS Lord RIBBLESDALE.
EDWARD SAINT VINCENT Lord DIGBY.	RICHARD HOBART Lord FITZGIBBON. (<i>Earl</i> <i>of Clare.</i>)
GEORGE DOUGLAS Lord SUNDRIDGE. (<i>Duke</i> <i>of Argyll.</i>) (<i>In another place as Lord</i> <i>Privy Seal.</i>)	CADWALLADER DAVIS Lord BLAYNEY. (<i>Elect-</i> <i>ed for Ireland.</i>)
EDWARD WILLIAM Lord HAWKE.	HENRY Lord FARNHAM. (<i>Elected for Ire-</i> <i>land.</i>)
THOMAS HENRY Lord FOLEY.	JOHN CAVENDISH Lord KILMAINE. (<i>Elected</i> <i>for Ireland.</i>)
GEORGE RICE Lord DINEVOR.	ROBERT Lord CLONBROCK. (<i>Elected for</i> <i>Ireland.</i>)
THOMAS Lord WALSINGHAM.	EDWARD Lord CROFTON. (<i>Elected for Ire-</i> <i>land.</i>)
WILLIAM Lord BAGOT.	EYRE Lord CLARINA. (<i>Elected for Ire-</i> <i>land.</i>)
CHARLES Lord SOUTHAMPTON.	HENRY FRANCIS SEYMOUR Lord MOORE. (<i>Marquess of Drogheda.</i>)
FLETCHER Lord GRANTLEY.	JOHN HENRY WELLINGTON GRAHAM Lord LOFTUS. (<i>Marquess of Ely.</i>)
ROBERT DENNETT Lord RODNEY.	GRANVILLE LEVESON Lord CARYSFORT. (<i>Earl of Carysfort.</i>)
WILLIAM NOEL Lord BERWICK.	
JOHN Lord SHERBORNE.	
JOHN Lord TYRONE. (<i>Marquess of</i> <i>Waterford.</i>)	

SPIRITUAL AND TEMPORAL.

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| GEORGE RALPH Lord ABERCROMBY. | HUGH Lord DELAMERE. |
| JOHN THOMAS Lord REDESDALE. | JOHN GEORGE WELD Lord FORESTER. |
| GEORGE Lord RIVERS. | JOHN JAMES Lord RAYLEIGH. |
| ARTHUR MARCUS CECIL Lord SANDYS. | ULYSSES Lord DOWNES. (<i>Elected for Ire-</i>
<i>land.</i>) |
| GEORGE AUGUSTUS FREDERICK CHARLES
Lord SHEFFIELD. (<i>Earl of Sheffield.</i>) | ROBERT FRANCIS Lord GIFFORD. |
| THOMAS AMERICUS Lord ERSKINE. | PERCY ELLEN FREDERICK WILLIAM Lord
PENSHURST. (<i>Viscount Strangford.</i>) |
| GEORGE JOHN Lord MONT EAGLE. (<i>Mar-</i>
<i>quess of Sligo.</i>) | ULICK JOHN Lord SOMERHILL. (<i>Marquess</i>
<i>of Clanricarde.</i>) |
| ANTHONY Lord LAUDERDALE. (<i>Earl of</i>
<i>Lauderdale.</i>) | JAMES Lord WIGAN. (<i>Earl of Crawford</i>
<i>and Balcarres.</i>) |
| GEORGE ARTHUR HASTINGS Lord GRANARD.
(<i>Earl of Granard.</i>) | THOMAS GRANVILLE HENRY STUART Lord
RANFURLY. (<i>Earl of Ranfurly.</i>) |
| HUNGERFORD Lord CREWE. | GEORGE Lord DE TABLEY. |
| WILLIAM BRABAZON Lord PONSONBY of
IMOKILLY. | EDWARD. MONTAGUE STUART GRANVILLE
Lord WHARNCLIFFE. |
| ALAN LEGGE Lord GARDNER. | WILLIAM Lord FEVERSHAM. |
| JOHN THOMAS Lord MANNERS. | JOHN SINGLETON Lord LYNDHURST. |
| JOHN ALEXANDER Lord HOPETOUN. (<i>Earl</i>
<i>of Hopetoun.</i>) | JOHN HENRY Lord TENTERDEN. |
| FREDERICK WILLIAM ROBERT Lord STEWART
of STEWART'S COURT (<i>Marquess of Lon-</i>
<i>donderry.</i>) | THOMAS SPAN Lord PLUNKET. (<i>Bishop of</i>
<i>Tuam, Killala, and Achonry.</i>) |
| RICHARD Lord CASTLEMAINE. (<i>Elected for</i>
<i>Ireland.</i>) | WILLIAM HENRY ASHE Lord HEYTESBURY. |
| CHARLES Lord MELDRUM. (<i>Marquess of</i>
<i>Huntly.</i>) | ARCHIBALD JOHN Lord ROSEBERY. (<i>Earl</i>
<i>of Rosebery.</i>) |
| JAMES Lord ROSS. (<i>Earl of Glasgow.</i>) | RICHARD Lord CLANWILLIAM. (<i>Earl of</i>
<i>Clanwilliam.</i>) |
| WILLIAM WILLOUGHBY Lord GRINSTEAD.
(<i>Earl of Enniskillen.</i>) | EDWARD Lord SKELMERSDALE. |
| WILLIAM HENRY TENNISON Lord FOXFORD.
(<i>Earl of Limerick.</i>) | WILLIAM SAMUEL Lord WYNFORD. |
| FRANCIS GEORGE Lord CHURCHILL. | HENRY Lord BROUGHAM and VAUX. |
| GEORGE FRANCIS ROBERT Lord HARRIS. | WILLIAM HENRY Lord KILMARNOCK. (<i>Earl</i>
<i>of Erroll.</i>) |
| CHARLES Lord COLCHESTER. | ARTHUR JAMES Lord FINGALL. (<i>Earl of</i>
<i>Fingall.</i>) |
| WILLIAM SCHOMBERG ROBERT Lord KER.
(<i>Marquess of Lothian.</i>) | WILLIAM PHILIP Lord SEFTON. (<i>Earl of</i>
<i>Sefton.</i>) |
| FRANCIS NATHANIEL Lord MINSTER. (<i>Mar-</i>
<i>quess Conyngham.</i>) | WILLIAM SYDNEY Lord CLEMENTS. (<i>Earl</i>
<i>of Leitrim.</i>) |
| JAMES EDWARD WILLIAM THEOBALD Lord
ORMONDE. (<i>Marquess of Ormonde.</i>) | GEORGE WILLIAM FOX Lord ROSSIE. (<i>Lord</i>
<i>Kinnaird.</i>) |
| FRANCIS Lord WEMYSS. (<i>Earl of Wemyss.</i>) | THOMAS Lord KENLIS. (<i>Marquess of Head-</i>
<i>fort.</i>) |
| ROBERT Lord CLANBRASSILL. (<i>Earl of</i>
<i>Roden.</i>) | WILLIAM Lord CHAWORTH. (<i>Earl of</i>
<i>Meath.</i>) |
| ROBERT Lord KINGSTON. (<i>Earl of King-</i>
<i>ston.</i>) | CHARLES ADOLPHUS Lord DUNMORE. (<i>Earl</i>
<i>of Dunmore.</i>) |
| WILLIAM LYGON Lord SILCHESTER. (<i>Earl</i>
<i>of Longford.</i>) | ROBERT MONTGOMERIE Lord HAMILTON.
(<i>Lord Belhaven and Stenton.</i>) |
| WILLIAM RICHARD ARTHUR Lord MARY-
BOROUGH. (<i>Earl of Mornington.</i>) | JOHN HOBART Lord HOWDEN. |
| JOHN Lord ORIEL. (<i>Viscount Massereene.</i>) | FOX Lord PANMURE. (<i>Earl of Dalhousie.</i>) |
| HENRY THOMAS Lord RAVENSWORTH. | AUGUSTUS FREDERICK GEORGE WARWICK
Lord POLTIMORE. |

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

EDWARD MOSTYN Lord MOSTYN.	DENIS ST. GEORGE Lord DUNSANDLE and CLANCONAL. (<i>Elected for Ireland.</i>)
HENRY SPENCER Lord TEMPLEMORE.	RICHARD Lord DARTREY. (<i>Lord Cremorne.</i>)
EDWARD Lord CLONCURREY.	JAMES Lord ELGIN. (<i>Earl of Elgin and Kincardine.</i>)
JAMES Lord DE SAUMAREZ.	FREDERICK TEMPLE Lord CLANDEBOYE. (<i>Lord Dufferin and Claneboye.</i>)
LUCIUS BENTINCK Lord HUNSDON. (<i>Viscount Falkland.</i>)	WILLIAM HENRY FORESTER Lord LONDSEBOROUGH.
THOMAS Lord DENMAN.	SAMUEL JONES Lord OVERSTONE.
WILLIAM FREDERICK Lord ABINGER	CHARLES ROBERT CLAUDE Lord TRURO.
PHILIP Lord DE L'ISLE and DUDLEY.	ROBERT MONSEY Lord CRANWORTH.
WILLIAM BINGHAM Lord ASHBURTON.	JOHN CAM Lord BROUGHTON.
CHARLES Lord GLENELG.	JOHN Lord DE FREYNE.
EDWARD JOHN Lord HATHERTON.	EDWARD BURTENSCHAW Lord SAINT LEONARDS.
ARCHIBALD Lord WORLINGHAM. (<i>Earl of Gosford.</i>)	RICHARD HENRY FITZROY Lord RAGLAN.
WILLIAM FREDERICK Lord STRATHEDEN.	GILBERT JOHN Lord AVELAND.
EDWARD BERKELEY Lord PORTMAN.	THOMAS Lord KENMARE. (<i>Earl of Kenmare.</i>)
THOMAS ALEXANDER Lord LOVAT.	RICHARD BICKERTON PEMELL Lord LYONS.
WILLIAM BATEMAN Lord BATEMAN.	JAMES Lord WENSLEYDALE.
FRANCIS WILLIAM Lord CHARLEMONT. (<i>In another place as Earl of Charlemont.</i>)	EDWARD Lord BELPER.
FRANCIS ALEXANDER Lord KINTORE. (<i>Earl of Kintore.</i>)	JAMES Lord TALBOT DE MALAHIDE.
GEORGE PONSONBY Lord LISMORE. (<i>Viscount Lismore.</i>)	ROBERT Lord EBURY.
HENRY CAIRNS Lord ROSSMORE.	JAMES Lord SKENE. (<i>Earl Fife.</i>)
ROBERT SHAPLAND Lord CAREW.	CHARLES COMPTON Lord CHESHAM.
CHARLES FREDERICK ASHLEY COOPER Lord DE MAULEY.	FREDERIC Lord CHELMSFORD.
JOHN Lord WROTTESLEY.	JOHN Lord CHURSTON.
THOMAS CHARLES Lord SUDELEY.	JOHN CHARLES Lord STRATHSPEY. (<i>Earl of Seafield.</i>)
FREDERICK HENRY PAUL Lord METHUEN.	COLIN Lord CLYDE.
EDWARD JOHN Lord STANLEY of ALDERLEY.	THOMAS Lord KINGSDOWN.
HENRY Lord STUART DE DECIES.	GEORGE Lord LECONFIELD.
WILLIAM HENRY Lord LEIGH.	WILLIAM TATTON Lord EGERTON.
BEILBY RICHARD Lord WENLOCK.	CHARLES MORGAN ROBINSON Lord TREDEGAR.
CHARLES Lord LURGAN.	ROBERT VERNON Lord LYVEDEN.
RALPH Lord DUNFERMLINE.	BENJAMIN Lord LLANOVER.
THOMAS SPRING Lord MONTEAGLE of BRANDON.	HENRY Lord TAUNTON.
JOHN Lord SEATON.	GEORGE ROBERT CHARLES Lord HERBERT.
EDWARD ARTHUR WELLINGTON Lord KEANE.	RICHARD Lord WESTBURY. (<i>In another place as Lord Chancellor.</i>)
NORTH Lord OXENFOORD. (<i>Earl of Stair.</i>)	MAURICE FREDERICK FITZHARDINGE Lord FITZHARDINGE.
CHARLES CRESPIGNY Lord VIVIAN.	
JOHN Lord CONGLETON.	

LIST OF THE COMMONS.

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHES, TO SERVE
IN THE *EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND IRELAND*: AMENDED TO THE OPENING OF THE FOURTH SESSION ON THE
6TH DAY OF FEBRUARY, 1862.

ABINGDON.

John Thomas Norris.

ANDOVER.

Henry Beaumont Coles,
Hon. Dudley Francis For-
tescue.

ANGLESEY.

Sir Richard Bulkeley Wil-
liams Bulkeley, bt.

ARUNDEL.

Rt. hon. (Edward Howard)
Lord E. Howard.

ASHBURTON.

John Harvey Astell.

ASHTON-UNDER-LINE.

Rt. hon. Thomas Milner
Gibson.

AYLESBURY.

Thomas Tyringham Ber-
nard,
Samuel George Smith.

BANBURY.

Sir Charles Eurwicke Doug-
las, knt.

BARNSTAPLE.

John D. F. Davie,
George Potts.

BATH.

William Tite,
Arthur Edwin Hay.

BEAUMARIS.

Hon. William Owen Stanley.

BEDFORDSHIRE.

Richard Thomas Gilpin,
Francis Charles Hastings
Russell.

BEDFORD.

Samuel Whitbread,
William Stuart.

BERKSHIRE.

Hon. Philip Pleydell Bou-
verie,
John Walter,
Richard Benyon.

BERWICK-UPON-TWEED.

Charles William Gordon,
Dudley Coutts Marjoribanks.

BEVERLEY.

Henry Edwards,
James Robert Walker.

BEWDLEY.

Sir Thomas Edward Win-
nington, bt.

BIRKENHEAD.

John Laird.

BIRMINGHAM.

William Scholefield,
John Bright.

BLACKBURN.

William Henry Hornby,
James Pilkington.

BODMIN.

Hon. Edward Frederick Le-
veson Gower,
James Wyld.

BOLTON-LE-MOORS.

William Gray,
Thomas Barnes.

BOSTON.

John Wingfield Malcoln,
Meaburn Staniland.

BRADFORD.

Henry Wickham Wickham.
William Edward Forster.

BRECKNOCKSHIRE.

Hon. Godfrey Charles Mor-
gan.

BRECKNOCK.

John Lloyd Vaughan Wat-
kins.

BRIDGNORTH.

Henry Whitmore,
John Pritchard.

BRIDGWATER.

Charles John Kemeys Tynte,
Alexander William Kinglake.

BRIDPORT.

Thomas Alexander Mitchell,
Kirkman Daniel Hodgson.

BRIGHTHELMSTONE.

James White,
William Coningham.

BRISTOL.

Hon. Francis Henry Fitz-
hardinge Berkeley,
William Henry Gore Lang-
ton.

BUCKINGHAMSHIRE.

Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
Hon. William George Ca-
vendish.

BUCKINGHAM.

Sir Harry Verney, bt.,
John Gellibrand Hubbard.

BURY.

Rt. hon. Frederick Peel.

BURY ST. EDMUNDS.

Hon. (Alfred Hervey) Lord
A. Hervey,
Joseph Alfred Hardcastle.

CALNE.

Rt. hon. Robert Lowe.

CAMBRIDGESHIRE.

Edward Ball,
Henry John Adeane,
Hon. Eliot Thomas Yorke.

List of

{COMMONS, 1862}

Members.

CAMBRIDGE (UNIVERSITY).
Rt. hon. Spencer Horatio
Walpole,
Charles Jasper Selwyn.

CAMBRIDGE.
Kenneth Macaulay,
Andrew Steuart.

CANTERBURY.
Hon. Henry Butler John-
stone,
Rt. hon. Sir William Mere-
dyth Somerville, bt.

CARDIFF.
James F. C. D. Stuart.

CARDIGANSHIRE.
William Thomas Rowland
Powell.

CARDIGAN.
Edward Lewis Pryse.

CARLISLE.
Edmund Potter,
Wilfrid Lawson.

CARMARTHENSHIRE.
David Jones,
David Pugh.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Doug-
las Pennant.

CARNARVON, &c.
Charles Wynne.

CHATHAM.
Sir John Mark Frederick
Smith, knt.

CHELTENHAM.
Francis William Fitzhar-
dinge Berkeley.

CHESHIRE.
(*Northern Division.*)
George Cornwall Legh,
Hon. Wilbraham Egerton.

(*Southern Division.*)
Sir Philip de Malpas Grey
Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Gros-
venor) Earl Grosvenor,
Philip Stapleton Humber-
stone.

CHICHESTER.
Humphrey William Free-
land,
Hon. (George Charles Henry
Gordon Lennox) Lord G.
C. H. G. Lennox.

CHIPPENHAM.
William John Lysley,
Richard Peuruddocke Long.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
Allen Alexander Bathurst,
Hon. Ashley George John
Ponsonby.

CLITHEROE.
John Turner Hopwood.

COCKERMOUTH.
John Steel,
Rt. hon. Richard Southwell
(Bourke) Lord Naas.

COLCHESTER.
Taverner John Miller,
Philip O. Papillon.

CORNWALL.
(*Eastern Division.*)
Thomas James Agar Ro-
bartes,
Nicholas Kendall.

(*Western Division.*)
Richard Davey,
John Saint Aubyn.

COVENTRY.
Rt. hon. Edward Ellice,
Sir Joseph Paxton, knt.

CRICKLADE.
Ambrose Lethbridge God-
dard,

Hon. Anthony (Ashley)
Lord Ashley.

CUMBERLAND.
(*Eastern Division.*)

Hon. Charles Wentworth
George Howard,
William Marshall.

(*Western Division.*)
Hon. Percy Wyndham,
Henry Lowther.

DARTMOUTH.
John Hardy.

DENBIGHSHIRE.
Sir Watkin Williams Wynn,
bt.,
Robert Myddelton Biddulph.

DENBIGH.
Townshend Mainwaring.

DERBYSHIRE.
(*Northern Division.*)
Hon. (George Henry Caven-
dish) Lord G. H. Caven-
dish,
William Pole Thornhill.

(*Southern Division.*)
Thomas William Evans,
William Mundy.

DERBY.
Michael Thomas Bass,
Samuel Beale.

DEVIZES.
Christopher Darby Griffith,
John Neilson Gladstone.

DEVONPORT.
Sir Michael Seymour,
K.C.B.,

Sir Arthur William Buller,
knt.

DEVONSHIRE.
(*Northern Division.*)
James Wentworth Buller,
Hon. Charles Henry Rolle
Trefusis.

(*Southern Division.*)
Sir Lawrence Palk, bt.,
Samuel Trehawke Keke-
wich.

DORCHESTER.
Richard Brinsley Sheridan,
Charles Napier Sturt.

DORSETSHIRE.
Hon. William Henry Berke-
ley Portman,
Henry Gerard Sturt,
Henry Ker Seymour.

DOVER.
Sir Henry John Leeke,
K.C.B.,
William Nicol.

DROITWICH.
Rt. hon. Sir John Somerset
Pakington, bt.

DUDLEY.
Henry Brinsley Sheridan.

DURHAM.
(*Northern Division.*)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick
Charles William Vane-
Tempest) Lord A. F. C.
W. Vane-Tempest.

(*Southern Division.*)
Henry Pease,
James Farrer.

DURHAM (CITY).
Sir William Atherton, knt.,
Rt. hon. John Robert Mow-
bray.

ESSEX.
(*Northern Division.*)
Rt. hon. William Beresford,
Charles Du Cane.

(*Southern Division.*)
Thomas William Bramston,
J. W. Perry Watlington.

List of

{COMMONS, 1862}

Members.

EVESHAM.
Sir Henry Pollard Wil-
loughby, bt.,
Edward Holland.
EXETER.
Edward Divett,
Richard Sommers Gard.
EYE.
Sir Edward Clarence Kerri-
son, bt.
FINSBURY.
William Cox,
Sir Samuel Morton Peto, bt.
FLINTSHIRE.
Hon. (Richard de Aquila
Grosvenor) Lord R. Gros-
venor.
FLINT, &c.
Sir John Hanmer, bt.
FROME.
Hon. (Edward Thynne) Lord
E. Thynne.
GATESHEAD.
Rt. hon. William Hutt.
GLAMORGANSHIRE.
Christopher Rice Mansel
Talbot,
Henry Hussey Vivian.
GLOUCESTERSHIRE.
(*Eastern Division.*)
Sir Christopher William
Codrington, bt.,
Robert Stayner Holford.
(*Western Division.*)
Robert Nigel Fitzhardinge
Kingscote,
John Rolt.
GLOUCESTER.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tol-
lemache.
GREENWICH.
David Salomons,
William Angerstein.
GRIMSBY (GREAT).
Hon. Charles (Anderson-
Pelham) Lord Worsley.
GUILDFORD.
William Bovill,
Guildford Onslow.
HALIFAX.
Rt. hon. Sir Charles Wood, bt.,
James Stansfeld.
HAMPSHIRE.
(*Northern Division.*)
William Wither Bramston
Beach,
George Selater Booth.

(*Southern Division.*)
Hon. Ralph Heneage Dut-
ton,
Sir Jervoise Clarke Clarke-
Jervoise, bt.
HARWICH.
Henry G. W. Jervis,
Hon. Richard Thomas
Rowley.
HASTINGS.
Frederick North,
Hon. (Harry George Vane)
Lord H. G. Vane.
HAVERFORDWEST.
John Henry Philipps.
HELSTON.
John Jope Rogers.
HEREFORDSHIRE.
James King King,
Hon. (Montagu William Gra-
ham) Lord M. W. Gra-
ham,
Humphrey Francis Mildmay.
HEREFORD.
Henry Morgan Clifford,
George Clive.
HERTFORDSHIRE.
Rt. hon. Sir Edward George
Lytton Bulwer-Lytton, bt.,
Christopher William Giles
Puller,
Abel Smith.
HERTFORD.
Rt. hon. William Francis
Cowper,
Sir Walter Minto Towns-
hend Farquhar, bt.
HONITON.
George Moffatt,
Alexander Dundas Baillie
Cochrane.
HORSHAM.
William Robert Seymour
Vesey FitzGerald.
HUDDERSFIELD.
Edward Aldam Leatham.
HUNTINGDONSHIRE.
Edward Fellowes,
Hon. (Robert Montagu)
Lord R. Montagu.
HUNTINGDON.
Rt. hon. Jonathan Peel,
Thomas Baring.
HYTHE.
Baron Mayer Amschel de
Rothschild.
IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair,

KENDAL.
George Carr Glyn.
KENT.
(*Eastern Division.*)
Sir Brook William Bridges,
bt.,
William Deedes.
(*Western Division.*)
Hon. (William Pitt) Vis-
count Holmesdale,
Sir Edmund Filmer, bt.
KIDDERMINSTER.
Alfred Rhodes Bristow.
KING'S LYNN.
Rt. hon. Edward Henry
(Stanley) Lord Stanley,
John Henry Gurney,
KINGSTON-UPON-HULL.
James Clay,
Joseph Somes.
KNARESBOROUGH.
Basil Thomas Woodd,
Thomas Collins.
LAMBETH.
William Roupell,
William Williams.
LANCASHIRE.
(*Northern Division.*)
John Wilson Patten,
Hon. Spencer Compton (Ca-
vendish) Marquess of Har-
tington.
(*Southern Division.*)
Hon. Algernon Fulke Eger-
ton,
William John Legh.
Charles Turner.
LANCASTER.
William James Garnett,
Samuel Gregson.
LAUNCESTON.
Thomas Chandler Halibur-
ton.
LEEDS.
Edward Baines,
George Skirrow Beecroft.
LEICESTERSHIRE.
(*Northern Division.*)
Rt. hon. (John James Robert
Manners) Lord J. J. R.
Manners,
Edward Bouchier Hartopp.
(*Southern Division.*)
Charles William Packe,
Hon. George Augustus Fre-
derick Louis (Curzon
Howe) Viscount Curzon.

LEICESTER.

John Biggs,
William Unwin Heygate.

LEOMINSTER.

Gathorne Hardy,
Hon. Charles Spencer Bateman Hanbury.

LEWES.

John George Blencowe,
Hon. Henry Bouverie William Brand.

LICHFIELD.

Hon. (Alfred Henry Paget)
Lord A. H. Paget,
Hon. Augustus Henry Archibald Anson.

LINCOLNSHIRE.

(Parts of Lindsey.)

James Banks Stanhope,
Sir Montagu John Cholmeley Cholmeley, bt.
(Parts of Kesteven and Holland.)
Sir John Trollope, bt.,
George Hussey Packe.

LINCOLN.

Charles Seeley.

LISKEARD.

Ralph Bernal Osborne.

LIVERPOOL.

Thomas Berry Horsfall,
Joseph Christopher Ewart.

LONDON.

Sir James Duke, bt.,
Western Wood,
Robert Wygram Crawford,
Baron Lionel Nathan de Rothschild.

LUDLOW.

Hon. George Herbert Windsor Windsor Clive,
Beriah Botfield.

LYME REGIS.

William Pinney.

LYMINGTON.

William Alexander Mackinnon, jun.,
Hon. George Charles (Gordon Lennox) Lord G. C. Lennox.

MACCLESFIELD.

John Brocklehurst,
Edward Christopher Egerton.

MAIDSTONE.

William Lee,
Charles Buxton.

MALDON.

George Montagu Warren Peacocke,
Thomas Sutton Western.

MALMESBURY.

Hon. Henry Charles (Howard) Viscount Andover.

MALTON.

Hon. Charles William Wentworth Fitzwilliam,
James Brown.

MANCHESTER.

Thomas Bazley,
James Aspinall Turner.

MARLBOROUGH.

Rt. hon. (Ernest Augustus Charles Brudenell Bruce)
Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).

Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.

John Harvey Lewis,
Rt. hon. Edmund Boyle (Roché) Lord Fermoy.

MERIONETHSHIRE.

William Watkin Edward Wynne.

MERTHYR TYDVIL.

Henry Austin Bruce.

MIDDLESEX.

Robert Hanbury,
Hon. George Henry Charles (Byng) Viscount Enfield.

MIDHURST.

William Townley Mitford.

MONMOUTHSHIRE.

Charles Octavius Swinerton Morgan,
Poulett George Henry Somerset.

MONMOUTH.

Crawshay Bailey.

MONTGOMERYSHIRE.

Herbert Watkins Williams Wynn.

MONTGOMERY.

John Samuel Willes Johnson

MORPETH.

Rt. hon. Sir George Grey, bt.

NEWARK-UPON-TRENT.

Grosvenor Hodgkinson,
John Handley.

NEWCASTLE-UNDER-LYME

William Jackson,
William Murray.

NEWCASTLE-UPON-TYNE.

Somerset Archibald Beaumont,
Rt. hon. Thomas Emerson Headlam.

NEWPORT, ISLE OF WIGHT.
Robert William Kennard,
Philip Lybbe Powys.

NORFOLK.

(Eastern Division.)

Hon. Wenman Clarence Walpole Coke,
Edward Howes.

(Western Division.)

George William Pierrepont Bentinck,
Charles Brampton Gurdon.

NORTHALLERTON.

William Battie Wrightson.

NORTHAMPTONSHIRE.

(Northern Division.)

Hon. William Alleyne (Cecil) Lord Burghley,
George Ward Hunt.

(Southern Division.)

Rainald Knightley,
Henry Cartwright.

NORTHAMPTON.

Charles Gilpin,
Rt. hon. Anthony (Henley) Lord Henley.

NORTHUMBERLAND.

(Northern Division.)

Hon. Algernon George (Percy) Lord Lovaine,
Sir Matthew White Ridley, bt.

(Southern Division.)

Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

NORWICH.

Sir William Russell, bt.,
Edward Warner.

NOTTINGHAMSHIRE.

(Northern Division.)

Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Pelham Clinton,
Rt. hon. John Evelyn Denison.

(Southern Division.)

William Hodgson Barrow,
Hon. George Philip Cecil Arthur (Stanhope) Lord Stanhope.

NOTTINGHAM.

Charles Paget,
Sir Robert Jukes Clifton, bt.

List of

{ COMMONS, 1862 }

Members.

OLDHAM.
William Johnson Fox,
John Morgan Cobbett.

OXFORDSHIRE.
Rt. hon. Joseph Warner
Henley,
John Sidney North,
John William Fane.

OXFORD (CITY).
James Haughton Langston,
Rt. Hon. Edward Cardwell.

OXFORD (UNIVERSITY).
Rt. Hon. William Ewart
Gladstone,
Sir William Heathcote, bt.

PEMBROKESHIRE.
George Lort Phillips.

PEMBROKE.
Sir Hugh Owen Owen, bt.

PENRYN AND FALMOUTH.
Thomas George Baring,
Samuel Gurney.

PETERBOROUGH.
Thomson Hankey,
George Hammond Whalley.

PETERSFIELD.
Rt. Hon. Sir William George
Hylton Jolliffe, bt.

PLYMOUTH.
Walter Morrison,
Robert Porrett Collier.

PONTEFRACT.
Richard Monckton Milnes,
Hugh Culling Eardley Chil-
ders.

POOLE.
George Woodroffe Franklyn,
Henry Danby Seymour.

PORTSMOUTH.
Sir James Dalrymple Horn
Elphinstone, bt.,
Rt. hon. Sir Francis Thorn-
hill Baring, bt.

PRESTON.
Richard Asheton Cross,
Charles Pascoe Grenfell.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Rt. hon. Sir George Corne-
wall Lewis, bt.

READING.
Gillery Pigott,
Sir Francis Henry Gold-
smid, bt.

REIGATE.
Hon. William John Monson.

RETFORD (EAST).
Rt. hon. George Edward
Arundell (Monckton-Ar-
undell) Viscount Galway,
Francis John Savile Fol-
jambe.

RICHMOND.
Sir Roundell Palmer, knt.
Marmaduke Wyvill.

RIPON.
John Greenwood,
Reginald Arthur Vyner.

ROCHDALE.
Richard Cobden.

ROCHESTER.
Philip Wykeham Martin,
John Alexander Kinglake.

RUTLANDSHIRE.
Hon. Gerard James Noel,
Hon. Gilbert Henry Heath-
cote.

RYE.
William Alexander Mackin-
non.

ST. IVES.
Henry Paull.

SALFORD.
William Nathaniel Massey.

SALISBURY.
Edward Pery Buckley,
Matthew Henry Marsh.

SALOP, OR SHROPSHIRE.
(*Northern Division.*)
Hon. Rowland Clegg Hill,
John Ralph Ormsby Gore.

(*Southern Division.*)
Rt. hon. Orlando George
Charles (Bridgeman) Vis-
count Newport,
Sir Baldwin Leighton, bt.

SANDWICH.
Edward Knatchbull-Huges-
sen,
Hon. Clarence Edward
(Paget) Lord C. E. Paget.

SCARBOROUGH.
John Dent Dent,
Sir John Vanden Bempde
Johnstone, bt.

SHAFTESBURY.
George Grenfell Glyn.

SHEFFIELD.
John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).
Robert Ingham.

SHOREHAM (NEW).
Sir Percy Burrell, bt.,
Stephen Cave.

SHREWSBURY.
George Tomline,
Robert Aglionby Slaney.

SOMERSETSHIRE.
(*Eastern Division.*)
Sir William Miles, bt.,
William Francis Knatchbull.

(*Western Division.*)
Charles Aaron Moody,
Sir Alexander Fuller Acland
Hood, bt.

SOUTHAMPTON.
William Digby Seymour,
Brodie M'Ghie Wilcox.

SOUTHWARK.
Austen Henry Layard,
John Locke.

STAFFORDSHIRE.
(*Northern Division.*)
Rt. hon. Charles Bowyer
Adderley,
Hon. Charles John (Talbot)
Viscount Ingestre.

(*Southern Division.*)
Henry John Wentworth
Foley,
William Orme Foster.

STAFFORD.
Thomas Sidney,
Thomas Salt.

STAMFORD.
Hon. (Robert Talbot Gas-
coyne Cecil) Lord R. T.
G. Cecil,
Sir Stafford Henry North-
cote, bt.

STOCKPORT.
James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.
John Lewis Ricardo,
William Taylor Copeland.

List of

COMMONS, 1862}

Members.

STROUD.
George Poulett Scrope,
Rt. hon. Edward Horsman.
SUFFOLK.
(*Eastern Division.*)
Rt. hon. John (Henniker-
Major) Lord Henniker,
Sir FitzRoy Kelly, knt.
(*Western Division.*)
Hon. Frederick William
(Hervey), Earl Jermyn,
Windsor Parker.
SUNDERLAND.
Henry Fenwick,
William Schaw Lindsay.
SURREY.
(*Eastern Division.*)
Thomas Alcock,
Hon. Peter John Locke
King.
(*Western Division.*)
John Ivatt Briscoe,
George Cubitt.
SUSSEX.
(*Eastern Division.*)
John George Dodson,
Hon. Henry North (Holroyd)
Viscount Pevensey.
(*Western Division.*)
Walter Barttelot Barttelot,
Hon. Henry Wyndham.
SWANSEA.
Lewis Llewellyn Dillwyn.
TAMWORTH.
Rt. hon. Sir Robert Peel, bt.,
Hon. John (Townshend) Vis-
count Raynham.
TAUNTON.
Arthur Mills,
George Cavendish Bentinck.
TAVISTOCK.
Sir John Salusbury Tre-
lawny, bt.,
Arthur John Edward Russell.
TEWKESBURY.
Hon. Frederick Lygon,
James Martin.
THETFORD.
Hon. William Henry (Fitz-
Roy) Earl of Euston,
Alexander Hugh Baring.
THIRSK.
Sir William Payne Gallwey,
bt.
TIVERTON.
Rt. hon. Henry John (Tem-
ple) Viscount Palmerston,
Hon. George Denman.

TOTNES.
Hon. George (Hay) Earl of
Gifford,
Thomas Mills.
TOWER HAMLETS.
Acton Smee Ayrton,
Charles Salisbury Butler.
TRURO.
Montagu Edward Smith,
Augustus Smith.
TYNEMOUTH.
Richard Hodgson.
WAKEFIELD.
WALLINGFORD.
Richard Malins.
WALSALL.
Charles Forster.
WAREHAM.
John Wanley Erle Drax.
WARRINGTON.
Gilbert Greenall.
WARWICKSHIRE.
(*Northern Division.*)
Charles Newdigate Newde-
gate,
Richard Spooner.
(*Southern Division.*)
Evelyn Philip Shirley,
Sir Charles Mordaunt, bt.
WARWICK.
George William John Rep-
ton,
Edward Greaves.
WELLS.
Rt. hon. Sir William Good-
enough Hayter, bt.,
Hedworth Hytton Jolliffe.
WENLOCK.
Rt. hon. George Cecil Weld
Forester,
James Milnes Gaskell.
WESTBURY.
Sir Massey Lopes, bt.
WESTMINSTER.
Sir John Villiers Shelley, bt.,
Sir De Lacy Evans, G.C.B.
WESTMORELAND.
Hon. Henry Cecil Lowther,
Hon. Thomas (Taylour) Earl
of Beatie.
WEYMOUTH AND MELCOMBE
REGIS.
Robert Brooks,
Hon. Arthur Edward (Eger-
ton), Viscount Grey de
Wilton.
WHITBY.
Harry Stephen Thompson.

WHITEHAVEN.
George Lyall.
WIGAN.
Hon. James Lindsay,
Henry Woods.
WIGHT (ISLE OF).
Charles Cavendish Clifford.
WILTON.
Edmund Antrobus.
WILTSHIRE.
(*Northern Division.*)
Walter Long,
Rt. hon. Thomas Henry Sut-
ton Sotheron Estcourt.
(*Southern Division.*)
Frederick Hervey Bathurst,
Hon. Henry Frederick
(Thynne) Lord H. F.
Thynne.
WINCHESTER.
Sir James Buller East, bt.,
John Bonham Carter.
WINDSOR.
William Vansittart,
George William Hope.
WOLVERHAMPTON.
Rt. hon. Charles Pelham
Villiers,
Thomas Matthias Weguelin.
WOODSTOCK.
Hon. Alfred (Churchill),
Lord A. Churchill.
WORCESTERSHIRE.
(*Eastern Division.*)
Harry Foley Vernon.
Hon. Frederick Henry
Gough Calthorpe.
(*Western Division.*)
Frederick Winn Knight,
Hon. Henry (Pyndar) Vis-
count Elmley.
WORCESTER.
Richard Padmore,
Osman Ricardo.
WYCOMBE (CHIPPING).
Sir George Henry Dash-
wood, bt.,
Martin Tucker Smith.
YARMOUTH (GREAT).
Sir Edmund Henry Knowles
Lacon, bt.,
Sir Henry Josiah Stracey, bt.
YORKSHIRE.
(*North Riding.*)
Edward Stillingfleet Cayley,
Hon. William Ernest Dun-
combe.

List of

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Members.

YORKSHIRE—continued.
(*East Riding.*)
Rt. hon. Beaumont (Hotham)
Lord Hotham,
Hon. Arthur Duncombe.
(*West Riding.*)
Sir John William Ramsden, bt.,
Frank Crossley.
YORK.
Joshua Proctor Brown Westhead,
John George Smyth.

SCOTLAND.

ABERDEENSHIRE.
William Leslie.
ABERDEEN.
William Henry Sykes.
ARGYLLSHIRE.
Alexander Struthers Finlay.
AYRSHIRE.
Sir James Fergusson, bt.
AYR, &c.
Edward Henry John Craufurd.
BANFFSHIRE.
Robert William Duff Abercromby.
BERWICKSHIRE.
David Robertson.
BUTESHIRE.
Rt. hon. David Mure.
CAITHNESS-SHIRE.
George Traill.
CLACKMANNAN AND KINROSS-SHIRE.
William Patrick Adam.
CUPAR, ST. ANDREWS, &c.
Edward Ellice.
DUMBARTONSHIRE.
Patrick Boyle Smollett.
DUMFRIES-SHIRE.
John James Hope Johnstone.
DUMFRIES, &c.
William Ewart.
DUNDEE.
Sir John Ogilvy, bt.
DYSART, KIRCALDY, &c.
Robert Ferguson.
EDINBURGHSHIRE.
Hon. William Henry Walter (Montague-Douglas-Scott)
Earl of Dalkeith.
EDINBURGH.
Adam Black,
Rt. hon. James Moncreiff.
NAIRNESHIRE AND ELGIN.
Charles Lennox Cumming Bruce.

ELGIN, &c.
Mountstuart Grant Duff.
FALKIRK, &c.
James Merry.
FIFESHIRE.
James Hay Erskine Wemyss.
FORFARSHIRE.
Hon. Charles Carnegie.
GLASGOW.
Walter Buchanan,
Robert Dalglish.
GREENOCK.
Alexander Murray Dunlop.
HADDINGTONSHIRE.
Hon. Francis Wemyss (Characteris) Lord Elcho.
HADDINGTON, &c.
Sir Henry Robert Ferguson Davie, bt.
INVERNESS-SHIRE.
Henry James Baillie.
INVERNESS, &c.
Alexander Matheson.
KILMARNOCK, RENFREW, &c.
Rt. hon. Edward Pleydell Bouverie.
KINCARDINESHIRE.
Hon. Hugh Arbuthnott.
KIRKCUDBRIGHTSHIRE.
James Mackie.
KIRKWALL, WICK, &c.
Rt. hon. William Coutts (Keppel) Viscount Bury.
LANARKSHIRE.
Sir Thomas Edward Colbrooke, bt.
LEITH, &c.
William Miller.
LINLITHGOWSHIRE.
W. Ferrier Hamilton.
MONTROSE, &c.
William Edward Baxter.
ORKNEY AND SHETLAND.
Frederick Dundas.
PAISLEY.
Humphrey Ewing Crum Ewing.
PEEBLES-SHIRE.
Sir Graham Graham Montgomery, bt.
PERTHSHIRE.
William Stirling.
PERTH.
Hon. Arthur FitzGerald Kinaird.
RENFREWSHIRE.
Sir Michael Robert Shaw Stewart, bt.

ROSS AND CROMARTY SHIRES.
Sir James Matheson, bt.
ROXBURGHSHIRE.
Sir William Scott, bt.
SELKIRKSHIRE.
Hon. Henry John Montagu Douglas (Scott) Lord H. J. M. D. Scott.
STIRLINGSHIRE.
Peter Blackburn.
STIRLING, &c.
James Caird.
SUTHERLANDSHIRE.
Rt. hon. Sir David Dundas.
WIGTONSHIRE.
Sir Andrew Agnew, bt.
WIGTON, &c.
Sir William Dunbar, bt.

IRELAND.
ANTRIM.
Thomas Henry Pakenham,
Hon. George Frederick Upton.
ARMAGH.
Sir William Verner, bt.,
Maxwell Charles Close.
ARMAGH (CITY).
Joshua Walter MacGeough Bond.
ATHLONE.
John Ennis.
BANDON BRIDGE.
Hon. William Smyth Bernard.
BELFAST.
Sir Hugh MacCalmont Cairns, knt.,
Samuel Gibson Getty.
CARLOW.
William Bunbury M^cClintock Bunbury,
Henry Bruen.
CARLOW (BOROUGH).
Sir John Emerich Dalberg Acton, bt.
CARRICKFERGUS.
Robert Torrens.
CASHEL.
John Lanigan.
CAVAN.
Hon. James Pierce Maxwell,
Hon. Hugh Annesley.
CLARE.
Crofton M. Vandeleur,
Francis McNamara Calcutt.

List of

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Members.

CLONMEL.
John Bagwell.

COLERAINE.
Sir Henry Hervey Bruce, bt.

CORK COUNTY.
Nicholas Philpot Leader.
Vincent Scully.

CORK (CITY).
Francis Bernard Beamish,
Francis Lyons.

DONEGAL.
Thomas Conolly,
Hon. James (Hamilton)
Viscount Hamilton.

DOWNSHIRE.
Hon. (Arthur Edwin Hill)
Lord A. E. Hill,
William B. Forde.

DOWNPATRICK.
David Stewart Ker.

DROGHEDA.
James McCann.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Sir Edward Grogan, bt.,
John Vance.

DUBLIN (UNIVERSITY).
Anthony Lefroy,
Rt. hon. James Whiteside.

DUNDALK.
Sir George Bowyer, bt.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
John Francis Maguire.

ENNIS.
William Staepoole.

ENNISKILLEN.
Hon. John Lowry Cole.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

GALWAY.
Sir Thomas John Burke,
bt.,
William Henry Gregory.

GALWAY (BOROUGH).
John Orrell Lever,
Hon. Ulick Canning (De
Burg) Lord Dunkellin.

KERRY.
Rt. hon. Henry Arthur Her-
bert,
Rt. hon. Valentine Augustus
(Browne) Viscount Castle-
rosse.

KILDARE.
William Henry Ford Cogan,
Rt. hon. Richard More
O'Ferrall.

KILKENNY.
Hon. Leopold George Fre-
derick Agar Ellis,
John Greene.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S COUNTY.
John Pope Hennessy,
Patrick O'Brien.

KINSALE.
Sir John Arnott, knt.

LEITRIM.
John Brady,
William Richard Ormsby
Gore.

LIMERICK.
Rt. hon. William Monsell,
Samuel A. Dickson.

LIMERICK (CITY).
Francis William Russell,
George Gavin.

LISBURN.
Jonathan Joseph Richard-
son.

LONDONDERRY.
Robert Peel Dawson,
Sir Frederick William Hey-
gate, bt.

LONDONDERRY (CITY).
William McCormick.

LONGFORD.
Luke White,
Fulke Southwell Greville.

LOUTH.
Chichester Samuel Fortes-
cue,
Richard Montesquieu Bellew.

MALLOW.
Robert Longfield.

MAYO.
Roger William Palmer,
Hon. John Thomas (Browne)
Lord J. T. Browne.

MEATH.
Matthew Elias Corbally,
Edward McEvoy.

MONAGHAN.
Charles Powell Leslie,
Sir George Forster, bt.

NEWRY.
Peter Quinn.

PORTARLINGTON.
Lionel Seymour Dawson
Damer.

QUEEN'S COUNTY.
Michael Dunne,
Francis Plunket Dunne.

ROSCOMMON.
Fitzstephen French,
The O'Connor Don.

ROSS (NEW).
Charles Tottenham.

SLIGO.
Sir Robert Gore Booth, bt.,
Charles William Cooper.

SLIGO (BOROUGH).
Francis Macdonogh.

TIPPERARY.
O'Donoghue, Daniel (The
O'Donoghue),
Lawrence Waldron.

TRALEE.
Daniel O'Connell.

TYRONE.
Rt. hon. Henry Thomas
Lowry Corry,
Rt. hon. (Claud Hamilton)
Lord C. Hamilton.

WATERFORD.
John Esmonde,
Hon. Walter Cecil Talbot.

WATERFORD (CITY).
Michael Dobbyn Hassard,
John Aloysius Blake.

WESTMEATH.
Sir Richard George Augus-
tus Levinge, bt.,
William Pollard Urquhart.

WEXFORD.
Patrick McMahon,
John George.

WEXFORD (BOROUGH).
John Edward Redmond.

WICKLOW.
William Wentworth Fitz-
william Hume,
Hon. Granville Leveson
(Proby) Lord Proby.

YOUGHAL.
Isaac Butt.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FOURTH SESSION OF THE EIGHTEENTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 31 MAY, 1859, AND FROM THENCE CON-
TINUED TILL 6 FEBRUARY, 1862, IN THE TWENTY-FIFTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, February 6, 1862.

MINUTES.] *Sat First in Parliament.*—The Duke of Buckingham and Chandos, after the Death of his Father; the Duke of St. Albans, after the Death of his Father.

Took the Oath.—The Bishop of Worcester.

PUBLIC BILLS.—1st Select Vestries; Assent to Use of Prayer Book; Public Worship.

MEETING OF THE PARLIAMENT.

THE PARLIAMENT, which had been Prorogued successively to the 22nd October, thence to the 17th December, thence to the 7th January, and thence to the 6th February, met this day for Despatch of Business.

The Session of PARLIAMENT was opened by Commission.

SELECT VESTRIES.

Bill, *pro formâ*, read 1st.

THE LORDS COMMISSIONERS' SPEECH.

THE LORDS COMMISSIONERS—namely, The LORD CHANCELLOR, The LORD STEWARD of the HOUSEHOLD (the Earl of St. Germans), The Lord CHAMBERLAIN of VOL. CLXV. [THIRD SERIES.]

the HOUSEHOLD (The Viscount Sydney), The Lord STANLEY of ALDERLEY (President of the Board of Trade), being in their Robes, and seated on a form placed between the Throne and the Woolsack, commanded the Gentleman Usher of the Black Rod to signify to the Commons "The Lords Commissioners desire their immediate attendance in this House."

Who being come, with their Speaker;

THE LORD CHANCELLOR, in pursuance of Her Majesty's Commands, *delivered* the Speech of THE LORDS COMMISSIONERS to both Houses of Parliament, as follows:—

"My Lords, and Gentlemen,

WE are commanded by Her Majesty to assure you that Her Majesty is persuaded that you will deeply participate in the Affliction by which Her Majesty has been overwhelmed by the calamitous, untimely, and irreparable Loss of Her beloved Consort, who has been Her Comfort and Support.

It has been, however, soothing to Her Majesty, while suffering most acutely under this awful Dispensation of Providence, to receive from all Classes of Her Subjects the most cordial Assurances of their Sympathy with Her Sorrow, as well as of their Appreciation of the noble Character of Him, the Greatness of whose Loss to Her Majesty and to the Nation is so justly and so universally felt and lamented.

WE are commanded by Her Majesty to assure you that She recurs with Confidence to your Assistance and Advice.

HER Majesty's Relations with all the *European* Powers continue to be friendly and satisfactory; and Her Majesty trusts there is no Reason to apprehend any Disturbance of the Peace of *Europe*.

A QUESTION of great Importance, and which might have led to very serious Consequences, arose between Her Majesty and the Government of the United States of *North America*, owing to the Seizure and forcible Removal of Four Passengers from on board a *British* Mail Packet by the Commander of a Ship of War of the *United States*; but that Question has been satisfactorily settled by the Restoration of the Passengers to *British* Protection, and by the Disavowal by the *United States* Government of the Act of Violence committed by their Naval Officer.

THE friendly Relations between Her Majesty and the President of the *United States* have therefore remained unimpaired.

HER Majesty warmly appreciates the Loyalty and Patriotic Spirit which

have been manifested on this Occasion by Her *North American* Subjects.

THE Wrongs committed by various Parties and by successive Governments in *Mexico* upon Foreigners resident within the *Mexican* Territory, and for which no satisfactory Redress could be obtained, have led to the Conclusion of a Convention between Her Majesty, The Emperor of the *French*, and The Queen of *Spain*, for the Purpose of regulating a combined Operation on the Coast of *Mexico*, with a view to obtain that Redress which has hitherto been withheld.

THAT Convention and Papers relating to that Subject will be laid before you:

THE Improvement which has taken place in the Relations between Her Majesty's Government and that of The Emperor of *China*, and the good Faith with which the *Chinese* Government have continued to fulfil the Engagements of the Treaty of *Tien-tsin*, have enabled Her Majesty to withdraw Her Troops from the City of *Canton*, and to reduce the Amount of Her Force on the Coast and in the Seas of *China*.

HER Majesty, always anxious to exert Her influence for the Preservation of Peace, has concluded a Convention with The Sultan of *Morocco*, by means of which The Sultan has been enabled to raise the Amount necessary for the Fulfilment of certain Treaty Engagements which he had contracted towards *Spain*, and thus to avoid the Risk of a Renewal of Hostilities with that Power. That Convention, and Papers connected with it, will be laid before you.

"Gentlemen of the House of Commons,

HER Majesty commands us to inform you that She has directed the Estimates for the ensuing Year to be laid before you. They have been framed with a due Regard to prudent Economy and to the Efficiency of the Public Service.

"My Lords, and Gentlemen,

HER Majesty commands us to inform you that Measures for the Improvement of the Law will be laid before you, and among them will be a Bill for rendering the Title to Land more simple, and its Transfer more easy.

OTHER Measures of Public Usefulness relating to *Great Britain* and to *Ireland* will be submitted for your Consideration.

HER Majesty regrets that in some Parts of the United Kingdom, and in certain Branches of Industry, temporary Causes have produced considerable Pressure and Privation; but Her Majesty has Reason to believe that the general Condition of the Country is sound and satisfactory.

HER Majesty confidently recommends the general Interests of the Nation to your Wisdom and your Care; and She fervently prays that the Blessing of Almighty God may attend your Deliberations, and may guide them to the Promotion of the Welfare and Happiness of Her People.

Then the Commons withdrew.

House adjourned during pleasure.

House resumed.

ADDRESS TO HER MAJESTY ON THE
LORDS COMMISSIONERS' SPEECH.

The LORDS COMMISSIONERS' Speech having been reported by The LORD CHANCELLOR,

LORD DUFFERIN, on moving that an humble Address be presented to Her Majesty in answer to the Speech of the Lords Commissioners, said: My Lords, in rising to perform the duty which has devolved upon me, I feel that scarcely ever has any Member of your Lordships' House been called upon to address you under more solemn or more trying circumstances; and most painfully am I aware how great is my need of your Lordships' patience and indulgence. My Lords, for nearly a quarter of a century it has been the invariable privilege of those who have successively found themselves in the position I occupy to-night to direct your attention to topics of a pleasing, hopeful, or triumphant character,—to a gratifying retrospect, or a promising future—to projects of law calculated still further to promote the rapidly-increasing prosperity of the country—to treaties of amity and commerce with foreign nations—at the worst to difficulties surmounted, or disasters successfully retrieved—to foreign wars gloriously conducted and victoriously concluded. But, my Lords, to-night a very different task awaits me. For the first time since Her Majesty commenced a reign of unexampled prosperity, we have been overtaken by a calamity fraught with consequences which no man can yet calculate—unexpected — irremediable — opening up alike to Sovereign and to people an endless vista of sorrow and regret. Under such circumstances even the most practised speaker in your Lordships' House might well shrink from the responsibility of intruding the inadequate expression of his individual feelings on a grief which must have endowed the heart of every one who hears me with an eloquence far greater than any he can command. If, however, my Lords, there is anything that can mitigate the painful anxiety of my situation, it is the conviction that, however inefficient, —however wanting to the occasion—may be the terms in which you are urged to join in the proposed sentences of condolence with Her Majesty, the appeal must in its very nature command such an unanimity of earnest, heartfelt acquiescence, as to leave the manner in which it may be placed before you a matter of indifference. My Lords, this is not the occasion, nor am I the proper person, to deliver an encomium on the Prince whom we have lost. When a whole nation has lifted up its voice in lamentation, the feeble note of praise which may fall from any individual tongue must necessarily be lost in the expression of the

general sorrow; but, my Lords, superfluous as any artificial panegyric has now become, right and fitting is it that that public grief which first found vent in the visible shudder which shook every congregation assembled in this metropolis when his well-known name was omitted from the accustomed prayer—which, gathering volume and intensity as reflection gave us the measure of our loss, swept towards the Throne in one vast wave of passionate sympathy, and is even still reiterated from every distant shore that owns allegiance to the British Crown,—right and fitting is it that such a manifestation of a nation's sorrow as this should find its final embodiment and crowning consummation in a solemn expression of their feelings by both Houses of the British Legislature. Never before, my Lords, has the heart of England been so greatly stirred, and never yet has such signal homage been more spontaneously rendered to unpretending intrinsic worth. Monarchs, heroes, patriots have perished from among us, and have been attended to their grave by the respect and veneration of a grateful people. But here was one who was neither king, warrior, nor legislator,—occupying a position in its very nature incompatible with all personal pre-eminence,—alike debarred the achievement of military renown and political distinction, secluded within the precincts of what might easily have become a negative existence,—neither able to confer those favours which purchase popularity nor possessing in any peculiar degree the trick of manner which seduces it,—who, nevertheless, succeeded in winning for himself an amount of consideration and confidence such as the most distinguished or the most successful of mankind have seldom attained. By what combination of qualities, a stranger and an alien—exercising no definite political functions—ever verging on the peril of a false position—his daily life exposed to ceaseless observation—shut out from the encouragement afforded by the sympathy of intimate friendship, the support of partisans, the good fellowship of society,—how such an one acquired so remarkable a hold on the affection of a jealous insular people, might well excite the astonishment of any one acquainted with the temper and the peculiarities of the British nation. Yet, my Lords, after all, how simple and obvious is the secret of the dominion he acquired! If, my Lords, the death of Prince Albert has turned England into a land of mourning; if each one of us is conscious

Lord Dufferin

of having lost that calm feeling of satisfaction and security which has gradually been interwoven with the existence of the nation from the day he first took his stand beside the Throne; if it seems as though the sun of our prosperity were darkened, and a pillar of our state had fallen; it is because in him we have lost that which has never failed to acquire the unlimited confidence and enthusiastic veneration of Englishmen—a man who in every contingency of life, in the presence of bewildering temptations, in the midst of luxury and splendour, in good report and in evil report, in despite of the allurements of vanity, of selfishness, and ambition, trod day by day and hour by hour, patiently, humbly, faithfully, the uninviting path of duty. My Lords, great must that people ever become whose highest notion of human excellence is the fulfilment of duty; and happy may that man be considered who has been able to realize their ideal! Of the various achievements of Prince Albert's career I need not remind your Lordships. We can, most of us, remember the day when he first came among us, and every subsequent chapter of his blameless life has been open to our inspection. We all know with what prudence he proceeded to exercise the functions of his elevated but difficult station, and with what simplicity of purpose he accepted the position marked out for him by the Constitutions. Noble Lords on either side of the House can describe the impartiality of the welcome he extended to all the Parliamentary advisers of the Crown. Those who have had the honour of enjoying personal intercourse with him can speak not only to the grasp of his remarkable intellect, and the inexhaustible store of his acquirements, but still more to the modesty, the gentleness, and chivalrous purity of a disposition which invested the Court over which he presided with an atmosphere of refinement and tranquil happiness such as, probably, has never yet been found in a Royal home; while his various speeches, replete with liberal wisdom—the enlightened influence he exercised over our arts and manufactures—and, above all, the triumphant establishment of the Exhibitions of 1851 and 1862, will bear witness to that practical sagacity which in spite of the apparent inaction to which he was condemned, could call into existence an unimagined field for the exercise of his untiring energy. And yet, my Lords, it is not so much for what

he did, as for what he was, that the memory of Prince Albert will be honoured and revered among us, though, probably, all that he has been to England no one will ever rightly know. As I have already had occasion to remark, the exigencies of his position required him to shun all pretension to personal distinction. Politically speaking, the Prince Consort was ignored by the Constitution—an ever-watchful, though affectionate jealousy, on the part of the people, guarded the pre-eminence of the Crown. How loyally and faithfully the Queen's first subject respected this feeling we are all aware; yet who shall ever know the nobler loyalty, the still more loving fidelity with which the husband shared the burdens, alleviated the cares, and guided the counsels of the wife? Some there are among us, indeed, who have had opportunities of forming a just idea of the extent to which this country has profited by the sagacity of Her Majesty's most trusted counsellor: but it will not be until this generation has passed away, and those materials see the light from which alone true history can be written, that the people of England will be able justly to appreciate the real extent of their obligations to probably one of the wisest and most influential statesmen that ever controlled the destinies of the nation. But, my Lords, deserving of admiration as were the qualities I have enumerated, it is by ties of a tenderer nature that he will have most endeared himself to our affection. Good, wise, accomplished, useful as he was, little would all these engaging characteristics have availed him, unless, before and above all else, he had proved himself worthy of that precious trust which two-and-twenty years ago the people of England confided to his honour, when they gave into his keeping the domestic happiness of their youthful Queen. How faithfully he has fulfilled that trust, how tenderly he has loved, guarded, cherished, honoured the bride of his youth, the companion of his manhood, is known in all its fulness but to one alone; yet, so bright has shone the flame of that wedded love, so hallowing has been its influence, that even its reflected light has gladdened and purified many a humble household, and at this moment there is not a woman in Great Britain who will not mournfully acknowledge that as in life he made our Queen the proudest and the happiest, so in death he has left her the most afflicted lady in her kingdom. Well may we then hesitate, my Lords, before we draw near

even with words of condolence to that widowed Throne wrapped as it is in the awful majesty of grief; yet if there is one thing on earth which might bring—I will not say consolation, but some soothing of her grief, to our afflicted Sovereign, it would be the consciousness of that universal love and sympathy for her with which the heart of England is at this moment full to bursting. Great as has been the affection always felt for her by her subjects, the feeling has now attained an intensity difficult to imagine. Death and sorrow have broken down the conventional barriers that have hitherto awed into silence the expression of her people's love;—it is not a Monarch in a palace that they now see, but a stricken Woman in a desolate home; and public meetings, and addresses of condolence, and marble memorials utterly fail to interpret the unspeakable yearning with which the entire nation would fain gather her to its bosom, and, if it were possible, for ever shelter her from all the ills and sorrows of this storm-shake world. Surely, next to the compassion of God must be such love from such a people. To give expression to these sentiments, as far as the forms of State will admit, will, I am certain, be the heartfelt desire of your Lordships' House; and not, even when in some day of battle and defeat your Lordships' ancestors made a rampart of their lives round the person of their king, will the Peers of England have gathered round the Throne in a spirit of more genuine devotion; and heartily, I am sure, my Lords, will you join me in praying that the same inscrutable Providence which has visited our Queen and country with so great calamity will give to her and us patience to bow before the dread decree; and that the Father of the Fatherless and the Comforter of the Afflicted will, in His own good time, afford to our beloved Sovereign such a measure of consolation as is to be found in the love of her lost husband's children, in the veneration of his memory, the fulfilment of his wishes, and the imitation of his bright example. Such a wish can be embodied in no nobler words than those furnished by the great poet of our age:—

“ May all love,

“ His love unseen, but felt, o'ershadow Thee,

“ The love of all thy sons encompass thee,

“ The love of all thy daughters cherish thee,

“ The love of all thy people comfort thee,

“ Till God's love set thee at his side again.”

And now, my Lords, glad should I be might my task of sorrowful reminiscence

be here concluded ; but on such an occasion it is impossible not to remember that since we were last assembled the service of two other trusted and faithful councillors has been lost to the Crown and to the State—the one a Member of your Lordships' House, cut off in the prime of his manhood and in the midst of one of the most brilliant careers that ever flattered the ambition of an English Statesman—the other a Member of the other House of Parliament, after a long life of such uninterrupted labour and unselfish devotion to the business of the country as has seldom characterized the most indefatigable public servant. My Lords, it is not my intention to enumerate the claims upon our gratitude possessed by those two departed Statesmen; but, in taking count of the losses sustained by Parliament during the last recess, it is impossible not to pause an instant beside the vacant places of Lord Herbert and Sir James Graham. Each has gone to his account, and each has died, falling where he fought, as best befitted the noble birth and knightly lineage of each. My Lords, whenever in her hour of need England shall marshal her armies for the vindication of her honour, or the protection of her territories, the name of him who laboured so assiduously for the improvement or the sanitary condition of the soldier at a time when peace was devastating our barracks in more fatal proportion than war our camps, will never lack its appointed meed of praise. And when the day shall come for the impartial pen of history to blazen those few names to whom alone it is given to be recognized by posterity as the leading spirits of a by-gone age, the trusted friend, the laborious coadjutor, the sagacious colleague of Lord Aberdeen, and Sir Robert Peel, shall as surely find his just measure of renown. But, my Lords, it was neither in the hopes of winning guerdon or renown that the Prince whom we mourn and the statesmen whom we have lost preferred the path of painful, self-denying duty to the life of luxury and ease that lay within their reach. They obeyed a nobler instinct; they were led by the light of a higher revelation; they cast their bread upon the waters in the faith of an unknown return. "*Omnia fui, nihil expedit,*" sighed one of the greatest of Roman emperors as he lay upon his death-bed at York; yet when, a moment afterwards, the captain of his guard came to him for the watchword of the night, with his dying breath he gave it,

Lord Dufferin

"*Laboremus.*" So is it, my Lords, with us; we labour, and others enter into the fruit of our labours; we dig the foundation, and others build, and others again raise the superstructure; and one by one the faithful workmen, their spell of toil accomplished, descend it may be into oblivion and an unhonoured grave—but higher, brighter, fairer, rises the fabric of our social policy; broader and more beautiful spread out on every side the sacred realms of civilization; further and further back retire the dark tides of ignorance, misery, crime—nay, even of disease and death itself, until to the eye of the enthusiastic speculator on the destinies of the human race it might almost seem as if in the course of ages it might be granted to the intellectual energy and moral development of mankind to reconquer a lost Paradise and reconstruct the shattered harmony of creation! In what degree it may be granted to this country to work out such a destiny none can tell; but, though heavy be the shadow cast across the land by the loss of the good and great, most eloquently do their lives remind us that our watchword in the darkness still should be *Laboremus!*

My Lords, there are but one or two other topics of importance to which I need allude, and in a very few minutes more I shall have ceased to trespass on the attention of the House. My Lords, if anything could have deepened the gloom spread over the country by the death of our illustrious Prince, it would have been the prospect of a sanguinary war with a nation connected with us by such various ties as the people of America; and if any proof had been wanting of the degree in which grief had swallowed up every other feeling in our minds, it would have been found in the secondary importance we evidently attached to what at that time appeared so imminent a contingency. Happily, my Lords, the impending tempest has been dissipated by the firmness and moderation of Her Majesty's Government, and England has escaped being drawn into that vortex of civil strife which is daily swallowing up millions of money and so many precious human lives on the continent of America. My Lords, I am sure there is no one in this country who is not proud of the attitude adopted by Great Britain during the whole of this momentous crisis; and if the vindication of the national honour in the firmest, the most temperate, and the most successful manner is any

title to our esteem, I am equally certain that there is no one in this House, no matter on which side he may be sitting, who will not be willing to congratulate the noble Earl, Her Majesty's Secretary of State for Foreign Affairs, on the memorable auspices under which he has assumed his well-merited honours, and taken his seat in your Lordships' House. My Lords, although the disruption of the United States, entailing as it was sure to do such fearful consequences to our external trade and domestic manufactures, was viewed with the greatest anxiety in this country, yet from the first moment that the contest began to assume those portentous proportions which now characterize it we at once determined to maintain an attitude of the most absolute neutrality. When it became evident that one half of a continent was in arms against the other, when armies almost as large as those Napoleon used to handle were seen face to face on the banks of the Potomac, when all the elements of a gigantic, dubious, and desperate struggle had been called into existence, we at once recognised each of the contending sections as belligerents; and from that day to this we have never departed in a single particular from the strict impartiality we then assumed. Unhappily, the most inaccurate interpretation was put upon our conduct by the inhabitants of the Northern States. Because we refused to reject the evidence of our senses, and would not, regard the *levée en masse* of the Southern Confederation as the partial and spasmodic effort of a transient disaffection, because we declined to stigmatize its adherents as rebels and hang its cruisers as pirates, we are accused of being the allies and patrons of slavery, jealous of the great republic, and saturated with the poison of what are called "Southern proclivities." My Lords, nothing can be more unreasonable or more mistaken than this view of our sentiments. The institution of slavery will always be regarded with abhorrence by the English people. Far from being jealous of the prosperity of America we have always regarded the expansion of her trade, the development of her vast resources, as affording the most satisfactory security for the increase of our own wealth and the invigoration of our industrial energies: we loathed and derided the idea of war between two communities bound by every moral and material tie to the maintenance of a mutually advantageous peace. Every year the ocean interposed between us was

felt to be a lessening barrier, and Lancashire began to look across the Atlantic as familiarly as it had hitherto done across St. George's Channel. When, therefore, news of the unexpected cataclysm which has overwhelmed the American Union reached our shores, we were as much dismayed as if a devastating volcano had exploded in the Isle of Man. Distress throughout our manufacturing districts, impediments to our trade, were the least of the disasters which seemed likely to overtake us. From henceforth all was to be uncertainty and agitation; we had exchanged an intelligent, methodical, enterprising correspondent for a firm apparently in the agonies of a dissolution. As to sympathizing with one side or the other, or sitting in judgment on the questions at issue between them, we had neither the inclination nor the materials for doing so. We could not even rightly comprehend the elements of their quarrel; those subtle distinctions between the sovereignty of the Union and the independence of the component States seemed more difficult to reconcile than the conflicting claims of prerogative and privilege which used to puzzle our boyhood. Secession might be injudicious, undutiful, suicidal, but it seemed the apparent consequence of incompatibility of temper; and, if so, to seek for the restoration of conjugal rights at the point of the bayonet might prove an unreasoning remedy. Again, though slavery be a horrible institution, though great and heavy have been the sacrifices made by this country to free herself of its taint, its mere existence can never become, in our opinion, a *casus belli*; nor will any circumstances ever justify, to our ideas of morality, the proclamation of a servile war: while the same feeling which conducted the steps of the Prince of Wales to the tomb of Washington must always induce us to regard with the greatest misgiving the efforts of one section of a co-ordinate community to subdue by force of arms the affections of another. Under these circumstances, the only thing left for us was patiently to await whatever solution Providence might decree. This, accordingly, we were prepared to do, when suddenly all England was astounded by the intelligence that a blundering sea-captain, besotted apparently with a vulgar lust for notoriety, had stopped one of our packet-boats while running between two neutral ports, and had violated the sacred shelter of our flag. Never, perhaps, has the temper and self-

control of the British people been more signally manifested than when the news of the capture of Messrs. Slidell and Mason reached our shores. For forty-eight hours there was an almost absolute abstinence from all expression of opinion. We were busy searching out the sacred *dicta* of precedent and law. Who can doubt, if this investigation had proved favourable to America, that we should have acquiesced in the result? As it was, the wrongfulness of the wrong we had endured stood out in unparalleled relief. Europe pronounced in our favour, and Her Majesty's Government, backed by the approval of the entire nation, forwarded a demand, couched in terms of unmistakable courtesy, for immediate reparation and redress. Then followed a period of suspense such as will not easily be forgotten. Each mail from America brought us files of American papers, replete with threats and menace against England, with the most fulsome adulation of Captain Wilkes, with notes of preparation for the inevitable war. We had seen the small cloud no bigger than a man's hand rising up out of the sea; we were now encompassed by the mist and the darkness, the mutterings of the tempest. At last arrived the still small voice of Mr. Seward. No one has probably ever had the advantage of addressing a more attentive audience. Luckily, perhaps, his communication did not reach us *in extenso* until its contents had been sublimed in the alembic of a telegraph office, and reduced by a discriminating clerk into a compact and satisfactory residuum; the essence of which was, that the kidnapped Commissioners were to be released. My Lords, there can be no doubt that the solution of the difficulty was hailed with delight by everybody in this country. Though we were quite ready for war, if it were necessary; though, humanly speaking, success was certain; though the first effect of such a contingency would have been the liberation of the cotton crops, yet every one was glad to have escaped so barbarous an alternative. So strong, indeed, was this feeling that when the original of Mr. Seward's despatch came to hand but very little notice was taken of the unsound and exceptional explanations which somewhat dimmed the grace of the reparation offered by the American Government. My Lords, I intend to imitate the discretion of the public; it is always contrary to etiquette to look a gift horse in the mouth. The missing

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Commissioners have come to hand; we need not inquire what was the colour of the paper in which they were wrapped up. At all events, if the act of the American Government has been in accordance with the dictates of justice, law, and common sense, we may well afford to ignore the ungracious commentaries by which they have been accompanied. It is sufficient for us to remember that a sensitive, courageous, and powerful people, having been betrayed into a false position by the folly of one of their unscrupulous citizens, has acknowledged the error, and afforded the only satisfaction the nature of the case admitted. Such conduct will do more to maintain the consideration of the American Government in the eyes of the civilized world than any amount of self-assertion, or obstinate disregard of the obligations of public law; and let the convulsions which seem doomed to signalize President Lincoln's administration terminate as they may, his compliance with the demands of this country in connection with the affair of the *Trent* will entitle him to our respect as a just and upright politician, and render us still more anxious to maintain those friendly relations with his Government which have for so many years subsisted between us.

My Lords, my task has now drawn almost to a conclusion, and it is with but a very few more observations that I shall have to weary your attention. Still, my Lords, in looking back upon the events of the last three months, it is impossible for me not to wish, before I sit down, to congratulate your Lordships and Her Majesty's Government on one or two most gratifying circumstances in connection with them. In the first place, my Lords, no one can have failed to mark with extreme satisfaction the loyal and patriotic spirit which has been evoked in Canada by the prospect of an American war. Without a moment's hesitation, with an unanimity of sentiment which could not have been exceeded in this country, with the certainty of having to bear the brunt of a formidable attack along a comparatively unguarded frontier, the Canadian people manifested an amount of energy and determination which has well merited the affectionate admiration of the mother country. How universal and intense the military enthusiasm of our North American fellow-subjects has become it is needless for me to stop to demonstrate. When a gentleman with such antecedents as Mr. Thomas D'Arcy Magee gives the signal for the

onset; when a Roman Catholic bishop, of French extraction, offers his palace for a barrack; when even the poor Irish emigrants, so cruelly maligned by those who professed to be their friends, form themselves into regiments for the defence of their Queen and for the protection of her empire, the old-fashioned notion of the province being tainted with secessional disaffection may well be considered as for ever exploded, and from henceforth the loyalty of Canada is as completely established as that of Middlesex or of Kent. Doubtless a certain proportion of this feeling may be traced to the wisdom with which the British Government has consulted the interests of that important section of the empire; but, my Lords, in examining the manifestations of patriotic feeling which have been called forth on the other side of the Atlantic, it is impossible not to perceive that a large measure of it has been inspired by an absolute sentiment of loyalty towards the person of Her Majesty. My Lords, it is on such occasions—in such moments of anxiety and doubt—that Englishmen are made to feel how vast is the debt of gratitude due from them to that Sovereign whose gracious influence, whose spotless life, whose unswerving fidelity to her sacred duties, has so powerfully strengthened the hands of her Ministers, and welded together in the bonds of a common loyalty the wide-spread communities which own allegiance to her sceptre. My Lords, another circumstance on which I shall venture to congratulate your Lordships is, the marvellous precision, rapidity, and completeness with which the naval and military resources of this country were made available against the anticipated contingency of war. I am sure it will be admitted that the greatest credit is due to Her Majesty's Government, and more especially to the illustrious Duke the Commander of the Forces, the noble Earl below me (Earl de Grey), and to the noble Duke the First Lord of the Admiralty (the Duke of Somerset) for the unexampled activity with which an army, with all its encumbrances and *impedimenta*, complete in every branch, was equipped, marshalled, embarked, and conveyed across a tempestuous ocean in the space of three weeks, while with similar celerity and skill a formidable fleet was commissioned, fitted out, manned, and despatched to reinforce the squadron already stationed in the American waters. Scidom has it been reserved,

my Lords, to any Administration to exhibit such a triumph of military and naval organization; and long will the country remember with pride the success of these remarkable operations, conducted as they have been with such ability, energy, and skill by the two illustrious and noble Dukes, and the noble Earl below me.

Lastly, my Lords, there are some other topics referred to in the speech of the Lords Commissioners, on which, perhaps, it might not have been improper that I should have addressed your Lordships; but it is really impossible for me to presume any further on your indulgence. Moreover, I am in hopes that no paragraph in the Address which I now beg to move will be likely to give rise to any difference of opinion in your Lordships' House. Our difficulties with China seem to have been brought to a successful termination, and the friendly and honourable feeling exhibited by the Emperor's new Ministers will enable us to reduce our military expenditure in that quarter of the globe. It is true the anarchy which has prevailed so many years in Mexico, imperilling as it did the lives and properties of all European residents, has at last compelled us to join with France and Spain in the military occupation of that State; but it may be reasonably expected that the energetic measures thus inaugurated will enable us soon to withdraw from a position so little in accordance with our usual policy. In other respects we have no reason to be uneasy at the prospects before us. As long as this unfortunate civil war rages in America there must be a certain amount of distress in this country; but, as far as we are able to foresee, the industrial resources of our manufacturing districts will be quite equal to any emergency which may arise. In the mean time, we must be content to hope that before long the Transatlantic States will discover some means of terminating their unhappy differences, and thus release the world from the condition of painful suspense in which it has been kept during the past year. As for us, my Lords, our course is plain—patiently to continue the policy of judicious and sober legislation which has already contributed so powerfully to the moral and material improvement of the country, and to endeavour by the unanimity of our counsels and our zeal for the public service to mitigate in some degree the effects of the irreparable loss which our Sovereign has sustained by the

death of her illustrious Consort. My Lords, I will now conclude by moving that an humble Address be presented to Her Majesty, as follows :—

MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's most dutiful and loyal Subjects the Lords Spiritual and Temporal in Parliament assembled, beg leave to offer our humble Thanks to Your Majesty for Your Majesty's most Gracious Speech from the Throne.

"WE take this first Opportunity of offering to Your Majesty our sincere Condolence in the afflicting Dispensation of Providence with which Your Majesty and this Nation have been visited in the Death of His Royal Highness the Prince Consort.

"WE assure Your Majesty of our heartfelt Participation in the universal Feeling of Sympathy with Your Majesty under this calamitous Bereavement, and in the deep Sense entertained by all Classes of Your Majesty's Subjects of the irreparable Loss which the Country has sustained in a Prince whose tender Attachment to Your Majesty, whose eminent Virtues, and whose high Attainments, unceasingly devoted to the Interests of this Country, won for him general Love and Admiration, and will cause his Name to be held in grateful and affectionate Remembrance.

"It is our earnest Prayer that Your Majesty's Health, in which Your faithful People take so lively an Interest, will not be impaired by overwhelming Grief; and that this Kingdom will long continue to enjoy the Blessings of a Reign with which its Happiness and Welfare are so intimately associated.

"WE humbly thank Your Majesty for informing us, that Your Majesty's Relations with all the *European* Powers continue to be friendly and satisfactory; and we assure Your Majesty that we trust, with Your Majesty, that there is no Reason to apprehend any Disturbance of the Peace of *Europe*.

"WE humbly express to Your Majesty the deep Gratification with which we learn that a Question of great Importance, and which might have led to very serious Consequences, arising from the Seizure and forcible Removal of Four Passengers from on board a *British* Mail Packet by the Commander of a Ship of War of the *United States*, has been satisfactorily settled by the Restoration of the Passengers to *British* Protection, and by the Disavowal by the *United States* Government of the Act of Violence committed by their Naval Officer; and that therefore the friendly Relations between Your Majesty and the President of the *United States* have remained unimpaired.

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"WE assure Your Majesty that we have heard with much Satisfaction of the Loyalty and patriotic Spirit which have been manifested on this Occasion by Your Majesty's *North American* Subjects.

"WE humbly thank Your Majesty for commanding that the Convention between Your Majesty, The Emperor of the *French*, and The Queen of *Spain*, for the Purpose of regulating a combined Operation on the Coast of *Mexico*, with a view to obtain that Redress, which has hitherto been withheld, for the Wrongs committed by various Parties and by successive Governments in *Mexico* upon Foreigners resident within the *Mexican* Territory, should be laid before us.

"WE beg humbly to express our Satisfaction that the Improvement which has taken place in the Relations between Your Majesty's Government and that of The Emperor of *China*, and the good Faith with which the *Chinese* Government have continued to fulfil the Engagements of the Treaty of *Tien-tsin*, have enabled Your Majesty to withdraw Your Majesty's Troops from the City of *Canton*, and to reduce the Amount of Your Majesty's Force on the Coast and in the Seas of *China*.

"WE thank Your Majesty for informing us that a Convention has been concluded with The Sultan of *Morocco*, by means of which The Sultan has been enabled to raise the Amount necessary for the Fulfilment of certain Treaty Engagements which he had contracted towards *Spain*, and thus to avoid the Risk of a Renewal of Hostilities with that Power, and for desiring that that Convention and Papers connected with it should be laid before us.

"WE assure your Majesty that we will give our most serious Attention to the Measures for the Improvement of the Law, especially as concerns the Title and Transfer of Land, as well as to the other Measures of Public Usefulness which may be submitted for our Consideration.

"WE convey to Your Majesty the Assurance that we participate in Your Majesty's Regret that in some Parts of the United Kingdom, and in certain Branches of Industry, temporary Causes should have produced considerable Pressure and Privation; but at the same Time we express to Your Majesty the Gratification with which we learn that Your Majesty has Reason to believe that the general Condition of the Country is sound and satisfactory.

"WE humbly assure Your Majesty that, in common with Your Majesty, we fervently pray that the Blessing of Almighty God may guide our Deliberations to the Attainment of the Welfare and Happiness of Your People.

THE EARL OF SHELburnE said, he trusted that in rising to second the Address which his noble Friend had just moved, their Lordships would permit him so far to tread in the footsteps of his noble Friend as to recur if but for a few moments to the melancholy subject to which his noble Friend had naturally given precedence in his able speech. He alluded, of course, to the deplorable affliction which had befallen Her Majesty and the country in the death of the Prince Consort. It was a loss the extent of which seemed, if possible, to be still more appreciated by the country as each succeeding day passed over. It would be vain for him to attempt to give additional weight to what had been already so eloquently said by his noble Friend in moving the Address, or which had been expressed elsewhere by noble Lords and other gentlemen, in language more eloquent than he could pretend to possess. He could not, however, reconcile it to himself to take any part in the proceedings of that day, when their Lordships were about to present an Address to Her Majesty, without asking to be allowed to pay his humble tribute—little as that might be worth—to the memory of that illustrious and lamented Prince. Consolation, my Lords, we cannot presume to offer; but he had always believed that if there was one thought upon which it might be expected that the mind of Her Majesty would, under her deep affliction, be able to dwell with anything like comfort, it would be this—that not in this island only, but far and wide, her loyal and devoted subjects had made her grief their own, and had proved in a manner never shown before to what an extent she reigned in all their hearts. In addition to the sympathy which the deplorable event of which he was speaking had evoked in the breasts of all her subjects, he thought there was another circumstance on which her Majesty could scarcely fail to dwell with pride and satisfaction, and that was the recollection that the illustrious Prince whose name would be for ever associated with her own in the annals of England's history had, perhaps, done more during his short but brilliant career to secure the foundations of constitutional government in this country, and to place its advantages prominently before the eyes of mankind in general, than had, perhaps, fallen to the lot of any other single individual. He had come among us a foreigner, and though a foreigner he under-

stood, adopted, and systematically maintained the constitutional usages of the country which had become his own in a manner which had endeared him—and most justly—to its people, while he had, at the same time, shown the world how large was that sphere of utility which a Prince might occupy in an empire like ours, without at the same time trenching in the slightest degree on those prerogatives which Parliament and the country alike held dear; and, my Lords, Parliament and the country do and will offer all the acknowledgment it is in their power to give. There was not, he believed, throughout the length and breadth of the land, a man who was not prepared gratefully to admit the truth of the words spoken by the late Lord Aberdeen in that House, when he stated that his Royal Highness the Prince Consort had never breathed a syllable which did not tend to the honour, the interests, and the welfare of this empire. Having, then, however feebly, paid his humble tribute to the memory of that illustrious Prince, he would venture to address a few words to their Lordships on another topic of the Speech from the Throne—he alluded to the present crisis in America, which was one of the most important subjects which could at any time occupy the attention of Parliament and the country. The subject, indeed, was one which the past history of the two nations must of itself render interesting to us, but how much was not that interest increased by the important issues which were at stake! The diplomatic correspondence which had lately taken place between the two countries had, he was happy to be able to say, disposed of the immediate difficulty which had recently arisen between them; but those who were desirous that a state of permanent harmony should exist between the two countries could not be blind to the feeling which prevailed in some quarters towards England on the other side of the Atlantic. In making that remark, he did not deem it advisable to lay too much stress on those ebullitions of feeling—perhaps not unnatural—which marked the proceedings of a large portion of the population of the United States at a period when agitators were endeavouring to interpret an act of justice into an affront. Nor did he think that any importance should be attached to some speeches delivered in higher quarters—such, for instance, as one which perhaps their Lord-

ships had read, and which was spoken by a Member of Congress, whose name betokened everything that was peaceable and convivial, while the sentiments to which he gave utterance were of a most sanguinary character. He regretted, however, to be obliged to say that there were citizens of the United States, whose names were well known and respected, not only in that country, but beyond it, who had expressed sentiments towards England which it must be a source of deep sorrow to us to find that they entertained, and which he was justified in saying were completely unfounded; for, whatever might be the political opinions of the Government holding the reins of power for the moment, he could appeal to their Lordships with confidence to bear him out in the statement that it was not our wish either to aggrandise our own or to humiliate any other country; more than that, that it was our sincere desire to behold in the United States a great, powerful, and free nation. There was, moreover, at the same time a strong wish in England to see friendly relations with them established on a permanent footing, which would give us some security for the future, and which could not fail to be conducive to the best interests of two peoples so closely related by the ties of kindred. If that feeling could only be acted upon, peace would, he could not help thinking, be based on so durable a foundation that it would not hereafter be broken on light or insufficient grounds. Certainly nothing was more likely to conduce to such a friendly understanding than that either nation should abstain from arrogating exclusive rights to itself, and should each of them adhere strictly to the principles of the law of nations. With regard to what had passed out of doors on this side of the Atlantic, he cordially congratulated the Government, on the one hand, upon the confidence with which they had been enabled to inspire the people of this country in dealing with recent critical events; while he felt, upon the other hand, bound to congratulate the people themselves upon the good sense, moderation, and temper they had displayed in leaving the hands of the Government so completely unfettered; feeling that not the interests only, but the honour of the country were perfectly safe in their keeping. There was one short remark he could not help making with reference to the circumstances under which the recent negotiations had taken place; and the

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more especially since the nation was perfectly satisfied with the course which had been taken by our Government in either case. He regretted then, that the Government of the United States had not, in dealing with the transactions to which he was now referring, deemed it consistent with their duty to take a leaf out of the book of the mother country, which, in a case analogous with that of the *Trent*—that of the *Chesapeake* in 1807—had adopted a far nobler course. The details of these cases were somewhat different; but as the persons captured were in both instances untried, they are quite analogous as far as question or reparation goes. On that occasion, His Majesty King George III. took the earliest opportunity, in a Speech from the Throne, to express what he (the Earl of Shelburne) could not but consider a most noble apology; for His Majesty did not hesitate to inform Parliament that “for an unauthorized act of force committed against an American ship-of-war His Majesty did not hesitate to offer immediate and spontaneous reparation.” Unfortunately, however, on the other hand, in the recent Speech of President Lincoln to Congress, no allusion whatever was made to topics the omission of which could scarcely have been matter of accident. If he (the Earl of Shelburne) had called attention to this circumstance, it was only for the purpose of expressing his regret that advantage had not been taken of that precedent. He had referred to the case of the *Chesapeake* because he had no doubt that on that occasion the manner in which reparation was offered must have been most grateful to the feelings of the American public, and because he felt assured similar conduct on the part of their Government in the case of the *Trent* could not have failed to have on the minds of the British public that effect which the immediate and spontaneous acknowledgment of error invariably produced. The people of this country would have been much more ready at the present moment to pass over any other little difficulty that might arise if they had seen the American nation more ready to meet them as frankly as we had met the United States on former occasions. The people of this country had been the more susceptible upon this point, on account of the tendency which there had been on the other side to denote them as an unfriendly power; but in truth both the Government and the people had observed strict neutrality, and had been ex-

tremely temperate under circumstances of considerable pressure, which might almost have justified them in urging on the Government a different course from that adopted; and therefore nothing had occurred to give a ground to the American Secretary of State for implying any unfriendliness on the part of England. It was impossible not to recollect that if Her Majesty's Government had chosen to copy the example set by the Government of the United States, who in 1849 authorized their agents to express their readiness to acknowledge the independence of Hungary, such a course would have been quite as justifiable for them as for the Government of the United States. But Her Majesty's Government very wisely abstained from any act of the kind, and he only mentioned the circumstance to show how completely this country had abstained, and that the action of this country left no opening for any attack such as he had referred to. Before passing from this subject he must express his full concurrence in the desire that the events now passing in America might find some speedy solution, which would terminate a war regarded by every man, not only in this country, but in the rest of Europe, as most deplorable. There was one other topic to which he must allude in connection with this subject, and on which we could reflect with the greatest satisfaction, and that was the conduct of His Majesty the Emperor of the French. His Majesty did not content himself with holding aloof from any expression of opinion in this matter as he undoubtedly might have done, and have thus given greater importance to his own position by watching the progress of events; but he hastened to declare his opinion to be in perfect harmony with that of Her Majesty's Government; and he had thus given her Majesty's Government that important moral support which the expression of such an opinion on the part of a great nation like France must always carry with it. There were several other topics in Her Majesty's Speech on which he would not dwell, as their Lordships would have an ample opportunity of discussing them hereafter, and with far greater knowledge of their detail than they could have at the present moment. He would, therefore, conclude by thanking them for the indulgent hearing which they had given his remarks, and by seconding the Address which had been moved by his noble Friend.

[See Page 19.]

THE EARL OF DERBY: My Lords, the present is an occasion, when, if ever, it is most desirable that nothing should occur to mar the harmony or to interfere with the unanimity of our answer to the Speech from the Throne, which has just been moved and seconded, the main topic of which is the expression of our sympathy with Her Majesty in that deep affliction with which it has pleased Providence to visit Her Majesty, and, at the same time, our sense of the irreparable calamity which the same event has inflicted on the nation at large. Of an ordinary man it were much to say that, called suddenly and in early manhood to a station the most exalted and perilous, surrounded by every temptation, having at command every luxury and pleasure which the human heart could wish for, he yet knew how to resist them all, and that for a period of twenty-two years he discharged blamelessly and irreproachably every duty of a husband and a father; that he made his household a model of domestic order and family affection; and, that placed in a situation of extreme difficulty, he so conducted himself that even the breath of calumny never ventured to insinuate against him the slightest charge of having abused in any degree the influence which he possessed. But as applied to the illustrious Prince whose loss we all lament, and to whose merits and virtues justice has been done in such eloquent terms by the noble Lord who moved, and by the noble Earl who seconded the Address—as applied to him, who was no ordinary man, illustrious in the best and highest sense of the word—such language were but feeble, inadequate, almost negative commendation. He has passed from us in the prime of life and in the full vigour of bodily activity and intellectual power; but he has not passed away without leaving his mark upon the age in which he lived. Never condescending to flatter—on the contrary, on some occasions going to the very verge of indiscretion in combating what appeared to him to be our national prejudices, he pursued steadily, silently, and most unostentatiously that line which he had chalked out for himself, and succeeded in establishing an impress of himself, which will long survive him, on the habits, the tastes, the feelings, of the country of his adoption. Comparatively few have had the opportunity of knowing how wide was the range of his studies, how few and sparing were the hours he employed even

in the most harmless and innocent recreations; how assiduously he exercised a mind of more than ordinary natural powers and of far more than ordinary cultivation; with how comprehensive a grasp he seized intuitively on the main and leading principles of every question submitted to his consideration, and with what untiring industry he worked every question out in its minutest details. This, however, is not the time nor is this the place for speaking of these things. Ample justice will yet be done elsewhere, and the country will have day by day more ample means of estimating the invaluable service which he has rendered to the cause of art and science. Nor is this the fitting place to speak of that encouragement and that stimulus which he gave by his personal attention and unremitting efforts to the promotion of everything that could tend to increase the domestic comforts of the humbler classes, to expand the mind, to extend the area of intellectual enjoyment, and to elevate the social and moral condition of every class of Her Majesty's subjects. The debt which is due from the country to him on these accounts can hardly be estimated at present, and, I fear, will only be estimated by the experience of the loss which we shall feel to have sustained by the loss of him. But this is the place in which one word, at least, should be said on a different portion of the Prince Consort's life—I mean on the part which the late illustrious Prince took, and greatly to the benefit of the country, in public affairs. I refer to this matter because, some years ago, I recollect it was a subject, with some persons of not unnatural constitutional jealousy, that any interference in the affairs of the country should take place on the part of one who was altogether in an irresponsible position. The persons who so argued, argued, I repeat, on a not unnatural feeling of constitutional jealousy; but they argued in forgetfulness of every dictate of human nature, and they demanded what was impossible by the very constitution of the human mind. What they required amounted to this—that two persons should be living in the closest and most intimate relation, in the most absolute confidence which could subsist between husband and wife, and yet that the mouth of one of them should be absolutely sealed, and his thoughts altogether forbidden to dwell, on those topics which, day by day and hour by hour, must to the other be the sub-

ject of engrossing care and anxiety. The very statement of the fact shows the impossibility of carrying out the views of the persons who so argued. I should say, undoubtedly, that there would have been grounds for constitutional jealousy if, in his high position, the Prince Consort had ever stooped to make himself the tool of a party, or to subserve the intrigues and machinations of any of the different political parties. But all who had the opportunity of judging know that it was impossible for any one to be more absolutely and entirely free from such an imputation than the late Prince Consort, and know also that the whole of his endeavours were directed, altogether irrespective of party, to give to his Sovereign and his wife that counsel which he thought most befitting the interest of the State and of the Throne. If, then, it was impossible that there should not have been that communication between the Prince Consort and the Queen on all questions connected with the public affairs, how much more desirable was it that his influence should be exercised with a full knowledge of all the circumstances attendant on every political question, of all the views, and their reasons, entertained by the Ministers of the day, and of all the discussions that had taken place, than that it should have been exercised in private and in secret, with only an imperfect knowledge of the grounds on which certain questions were submitted for Her Majesty's consideration? I feel confident, my Lords, that all those who have had the honour of being admitted to that personal and confidential communication with the Sovereign which is the highest privilege of a Minister of the Crown will acknowledge—and I appeal to all who have filled that position to say—whether from the presence of His Royal Highness at such communications, from his cool, calm, and impartial judgment, his great information on all topics, they did not derive most useful and valuable hints, and receive great assistance in the discharge of their own responsible duties? My Lords, in the Prince Consort the Queen has lost, not only the husband of her youth, not only the father of her children—him to whom her youthful affections were freely given, and for whom maturer years only augmented and intensified her conjugal love—but she has lost her familiar friend, her trusted counsellor, her unwearied and never-failing adviser—him to whom she could look up in every

difficulty and in every emergency, and to whom she did look up with that proud humility that none but a woman's heart can know, glorying in the intellectual superiority to which her own will and her own judgment were freely put in subjection. I do not doubt that from the surviving members of her family Her Majesty has derived all the consolation that affection can give; but in the discharge of her public duties she must henceforth tread alone the high, but hard path of Sovereignty. The sustaining hand, the guiding judgment, the never-failing counsel are Hers no more. And who, my Lords, can hear without the deepest emotion, how, in the full consciousness of that utter desolation, that aggravated responsibility, in the very presence of death itself—in the first moments of that agonizing bereavement, rising as it were from beneath the crushing weight of that overwhelming sorrow, the first brave outpouring of that noble heart was, "With God's blessing, I will yet do my duty!" And, my Lords, I am certain that of those who hear me there is not one who will not join in my fervent prayer (which will be echoed by millions), that she may be strengthened to carry out her brave resolve; and that He who has seen fit to inflict this heavy blow, and has thus deprived her of him who on earth was her comfort and support, will be Himself her comfort and support under this deep, deep affliction. My Lords, the words of our Address must necessarily be somewhat cold and formal, but the Sovereign may be assured that they convey unfeignedly—though still inadequately—not only an expression of your Lordships' feelings, but the unanimous expression of a nation's devoted loyalty, deep admiration, and loving sympathy. And in the presence of this sacred sorrow I am satisfied it will be the desire of your Lordships, the desire of all, on all sides of the House—not only of this, but of the other House of Parliament—to contribute all in their power to spare Her Majesty one additional care, or one additional embarrassment under the affliction that presses so heavily upon her. On my own part, and on the part of those with whom I have the honour of acting, such I am satisfied will be the spirit in which we shall enter on the business of this Session; and I earnestly trust—as from the tenour of the Royal Speech I am induced hopefully to believe—that Her Majesty's Ministers are dis-

posed to meet us in the same spirit; that they are disposed rather to initiate those useful and practical measures in which all can alike join harmoniously and cordially for the advantage of our common country, and to abstain from bringing forward themselves, as well as to discourage others from broaching, those agitating topics and more violent controversies which by their possible result might add to the cares and anxieties of our Sovereign.

My Lords, I make this declaration with the more satisfaction, because on the next important topic adverted to in the Speech from the Throne I am able not only to abstain from any objection, but am prepared to give the Government the meed of my cordial approval—whatever that may be worth—of the course which has been pursued by Her Majesty's Government with regard to the affairs of the United States. I make that statement, not only in reference to the course the Government has pursued in respect to the events which have occurred recently, and from which it was at one time too probable we should be involved in a war with that country with which, of all others, it is most our interest and our wish to maintain the most friendly relations; but I extend my approval to that *bonâ fide* neutrality which Her Majesty's Government have pledged themselves, with the approbation of the entire country, to maintain, in the unhappy struggle between the Northern and Southern of the formerly United States. If, indeed, there has been any difference at all in the attitude of our Government towards the two parties, it has been in favour of the Northern States, with which alone we have any recognised diplomatic relations. We have at no time, except during the short period when there was an apprehension that war was imminent, prohibited the export of arms and munitions of war; and the absence of any such prohibition, under the circumstances, has practically operated materially in favour of the North. Again, we have given to the Federal Government a greater advantage than it has claimed for itself, because we have admitted what it has itself denied—that it is actually at war; and that as a belligerent it can exercise rights which except as a belligerent it could not claim. We have given the Federal Government far more than it required; and by an act of which it has grievously complained it is in a far better position than it has claimed for itself. We have also submitted, and sub-

mitted without a murmur, to the interruption of our trade caused by this war. And this reflects the highest credit on the good sense and patriotism of the working men of the whole manufacturing population of this country. I do not speak so much of the master-manufacturers, because if there must be a scarcity of the raw material of their trade, it could have hardly happened at a more opportune moment than at the present, when every foreign market is overstocked, and when, therefore, a diminution of production must, under any circumstances, have been a necessity of the trade. But, with regard to the workmen, who by the suspension of trade incur the loss of their daily earnings, this lamentable interruption of their labour has produced very melancholy results; and, I think that the greatest possible credit is due to them for the manner in which they have submitted, without a murmur, to the effects of a blockade which the slightest interference on the part of this country would, in their judgment, put an end to, and so relieved them from the evils under which they labour. As I concur with the course Her Majesty's Government has pursued, I do not ask them to deviate from it; I think the time is not yet come when they can properly be called on to recognise the Government representing the successful revolt of the Southern States. For while it has always been the practice of the English Government to recognise a *de facto* Government, which has succeeded in establishing itself on the consent of a whole people, I do not think the resistance of the Southern States has been as yet so successful as to justify us in recognising them as a Power which has proved its ability to maintain its own independence. I do not, therefore, call on the Government to go further than to treat, as it hitherto has done, both parties impartially as belligerents; but I hope Her Majesty's Government will be able to satisfy the country on one point—a point of great importance, and one on which they alone have authentic and authoritative information. It is how far the blockade of the Southern Ports has been *bonâ fide* and effective. Mind, I do not wish to intimate that whether we recognise this blockade or not, any material effect will be produced upon the cotton supply of this country while the war lasts. Indeed, I am not sure whether, as good frequently arises out of evil, the

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continuance of this American difficulty may not ultimately place us in a much more advantageous position, by enabling us to obtain a more abundant and constant supply from other sources than we at present possess, and thus to render us less exclusively dependent on the cotton growing States. At the same time I do think it is important that the country should have, upon the authority of Her Majesty's Government, the information which they could furnish it from the reports of our Admiral on the station, and our consuls, as to how many vessels have been captured for attempting to break the blockade, and how many have succeeded in breaking it; so that the public might have the means of forming an opinion whether the blockade has been such a one as ought to be recognised and respected by the law of nations. My Lords, while I give Her Majesty's Government the fullest credit, not only for the course they have pursued, for the firm and temperate manner in which they made their demand, and sent out those reinforcements which were absolutely necessary to support the allegiance of our colonists, I rejoice to find that in the Speech justice has been done to the spirit and unanimity with which all classes of Her Majesty's subjects in the North American Provinces have come forward and shown their determination, at all hazards—and the hazard of war would in the first instance have fallen on themselves—to maintain their allegiance, and to support the honour and dignity of the British Crown. If there be one thing more than another that will tend to confirm the good understanding and peaceable relations that now exist between this country and the United States, it is the knowledge they must now have received of the utter delusion under which those persons within the States have laboured who imagined that Canada and the North American Provinces were eager for annexation with the States, and to sever their connection with Great Britain; and that, on the other hand, Great Britain would never venture upon a war with America, because she would always fear the willing annexation of Canada. That delusion is, I hope, now dissipated for ever, and its dissipation will form an important element in our future relations with America, and tend to secure us against the dangers of war with that country. My Lords, I cannot pass from this part of the subject without expressing my unaffected

concurrence with the testimony borne by my noble Friend who seconded the Address to the honourable and loyal part which has been played upon this occasion by the French Government. I have not been slow upon other occasions, when I have thought that the conduct of that Government was not as straightforward and just towards us as we might have expected, to express my opinion to that effect; and I have the greater pleasure, therefore, in being able to state my conviction that nothing could be more frank, more loyal, or more timely than the intervention which, at the instigation of the Emperor of the French, M. de Thouvenel undertook in the despatch which he addressed to the American Government. I cannot say what influence that despatch may have had upon the ultimate decision of the American Government, but this I will say, it is a matter of the highest satisfaction that that despatch, followed by similar despatches from other Courts of Europe, must have established to the satisfaction of the world at large that in making our demands we were only requiring that which we could not have refrained from demanding without forfeiting our character as an independent Power and sacrificing the honour of the country. When the English people first received the news of the capture of the *Trent*, the first feeling was that of surprise, and no doubt a certain amount of indignation was displayed; but at the same time a calm and unanimous determination as of one man was taken by the nation to await the decision whether this capture was warranted and justified by international law; and I do not hesitate to say that if it had been found that that capture was borne out by international law, or even by precedents taken from our own history—though as Englishmen they would have had a keen sense of the injury and the insult inflicted upon us—they would have bowed to the majesty of the law, and would have submitted to the seizure as a legitimate exercise of belligerent rights. But from the moment when it was clearly ascertained that so far from international law sanctioning the act, no precedent even could be discovered to uphold or even to palliate the conduct of the American commander—from that moment the country, equally as one man, determined that reparation and apology must be obtained. They adopted that determination not in passion, not in anger, not

in fierce excitement, not rejoicing in the prospect of war—at which, indeed, they shuddered with abhorrence—but as in the performance of a grave, serious, imperative duty—a painful duty, but one from which, however painful, they could not shrink, because, great as might be the horrors of war, greater still would be the ignominy of forfeiting the national honour. My Lords, while I have thus feebly attempted to convey my view of the conduct pursued by this country, by the people of our North American provinces, and by His Majesty the Emperor of the French, I wish I could look with equal satisfaction upon the course taken by the Federal Government. I believe that the maxims which regulate private society are not inapplicable among nations; and speaking to an assembly of high-minded men, I am certain that there is not one of your Lordships who, if it were made clear to him that you had offended or injured any person with whom you had been on intimate relations, would not feel that the most honourable course was to anticipate any possible requirement from the other side, and to tender on the instant a frank and manly apology; and the more ample, the more speedy, and the more frank was the apology the higher would be who made it stand in the estimation of all honourable men. Applying the principle to nations, I cannot but express my deep regret that when the American Secretary of State was convinced, as he and his Government were long before the termination of these negotiations, that the capture was illegal, and the persons captured were wrongfully detained—they should still have been detained for a considerable time in all the rigours of a not very merciful imprisonment. I regret that the Secretary of State should not only have hesitated to grant the reparation which he must have felt was due in justice and honour to this country, but that—I am speaking, of course, of the American Government in general—but that he and his Government should have sanctioned language which they knew was wholly unwarranted by facts, and permitted impressions to go abroad calculated to excite the most bitter animosity between the people of the United States and this country. Lastly, I think it greatly to be regretted that, having made up his mind that reparation and apology were necessary, the American Secretary of State should have waited until the formal

demand was made, not privately, but officially and formally, thus waiting not to consider how much reparation he should give, but how small a measure of reparation would satisfy the imperative demands of Great Britain. I must say that by the course which they pursued, the Federal Government have placed themselves and their people in a position of unworthy and undignified humiliation—for they have shown that they have apologized not from a sense of justice, but on a demand backed by force, and that they only gave the reparation we demanded when they were convinced that this country would be satisfied with nothing less. My Lords, I am not about to enter upon any of those vexed questions of international law which not unnaturally have arisen in the case of the *Trent*. But I have seen some very wild opinions expressed with regard to the holding of a Congress of Nations for the purpose of establishing a new doctrine as to international law. I earnestly trust that Her Majesty's Government will be extremely cautious how they enter into such negotiations or conventions. We have had on the present occasion to sustain the rights of neutrals, and we have sustained them as it was due to the dignity of this country that we should. But we must not forget that we have a deep and preponderating interest in maintaining the rights—the legitimate rights—of belligerents also; and that this country, while disclaiming all undue exercise of such rights, is not one that can afford to sacrifice the legitimate exercise of belligerent rights which are justified and warranted by the law of nations. Now I confess that I regretted—and I expressed my regret at the time—the sacrifice which, as I thought, my noble Friend (the Earl of Clarendon) made in 1856, when he consented, on the part of the Government of this country, to the principle that enemy's goods should be safe on board neutral vessels. I thought this a dangerous concession for a country situated as ours is, and I remonstrated against it. Undoubtedly, it is true that that agreement has not up to the present moment the binding force of a treaty, nor has it been ratified by the Sovereign. It is not of force to alter the real state of international law; but I hold that with regard to all the Powers whose representatives signed this paper, and whose acts have not since been disavowed by their Sovereigns, those Powers are morally bound by the liabilities and the

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obligations imposed upon them at the time. Now, if we had gone to war with the Federal States, I will ask in passing, what would have been the result of our adoption of the doctrines of the Congress? We had an agreement—I will not call it a convention—with France. We had no agreement with America. In the event of war with America, therefore, American merchandise on board a French vessel would, by our obligations with France, be safe against our cruisers. But America not having entered into any agreement, the goods of our merchants on board French vessels would not have been safe against American cruisers. Thus the arrangement would have been a very one-sided operation—one party would have had all the benefit without having been a party to the agreement, and the other that was a party to it, being bound by it, would not have had the benefit of it. That is a position in which England ought not to stand towards any country whatever. I recollect asking at the time whether this would not have been the consequences of the agreement, but I did not succeed in extracting any satisfactory explanation on the subject. Then, I see various suggestions made that certain things were contrary to the doctrine of that morality by which wars were carried on in modern times, and calling upon us to give up certain privileges, declaring that it was unlawful even to exercise the right of search, and that all neutral vessels, wherever going and wherever bound, should be perfectly free to pass, and that their goods should pass without any right of search, and without any interference whatever. I can only say that I hope the noble Earl the Secretary of State for Foreign Affairs will never consent to abandon rights which I feel—and deeply feel—are most substantial and important rights to this country. My Lords, the other topics of the Speech are not such as to call for lengthened observations. I should hope the Government will be able to give the House before long explanations—which are certainly much required—not only of the convention itself, but also of the manner in which it is to be acted upon by the three Powers which are parties to an interference in the affairs of Mexico. I know well into what a state of anarchy and confusion for many years Mexico has fallen. I know well how many causes of complaint all European nations have to make against the successive Governments which

have distracted rather than ruled in that country; and it was once my painful duty to advise the Crown to introduce into a Speech from the Throne a paragraph referring to the subject and announcing the enforcement of the just demands of this country. I think that matters of this kind are in general best settled by the individual action of each separate State; but I do not complain that in this instance there should have been a convention between three great Powers, each of whom has similar wrongs to complain of, and each of whom has agreed to a similar course to obtain reparation. But if I am to believe the statements in the public prints, I cannot help fearing and suspecting that one at least, if not both, of our allies are disposed to enter upon operations of a more extended character than are contemplated by the terms of the convention; and I shall be glad to hear from the noble Earl the Foreign Secretary, or the President of the Council, that in all matters relating to Mexico there has been a thorough and entire agreement as to the course of proceeding to be adopted by the three Powers who are parties to the convention. Again, we have not before us the convention that has been entered into with the Emperor of Morocco. It is one, as far as I am aware, of a very unusual character, but, at the same time, one that I frankly admit may be justified by the peculiar nature of the case out of which it has arisen. I apprehend the object of the convention is to secure to the Government of Morocco a sum of money upon the security of the Customs' duties levied at the outposts, and those duties are to be collected, as I understand, by British authorities, and the balance paid over to the Government of Morocco, after retaining sufficient to secure a sum to be advanced to liquidate the claims of Spain, and for which she still holds as guarantees Tetuan and other points on the coast of Morocco. This is a subject of great interest to this country, and the noble Earl the Foreign Secretary will remember that at the outset of the war Spain disclaimed any intention of permanent occupation of any part of the coast. It is a matter of the utmost importance to this country that no such occupation should be allowed, seeing how much our interests at Gibraltar may be dependent upon the Power which holds the opposite coast. Therefore, though this convention was of a most unusual character, I cannot help hoping that the circumstances will be found to justify the course which Her Majesty's

Government have taken in agreeing to it. As to other measures, I rejoice to find, as far as we can judge from the announcement in the Speech, that they are likely to be confined to such measures as will probably not lead to any party conflicts—measures which we can discuss in a calm, impartial, and unprejudiced spirit. The particular measure of simplification of the transfer of land is one of great importance. The subject had attracted the notice of former Governments, and a Bill was introduced, when my hon. and learned Friend Sir Hugh Cairns filled the office of Solicitor General, which I hope will be closely followed in that which is to be submitted to us in a short time. It is a subject requiring close attention, and I am sure your Lordships will consider it calmly, and having regard to the interests of all concerned.

Before I sit down I may allude for a moment to one subject which is not referred to in the Queen's Speech, and upon which, although it is not a subject generally discussed in this House, I think we ought to have some information as to the intentions of the Government. I refer to the recent Minutes of the Committee of Council on Education. The subject has attracted great and general attention. I am no way disposed to blame the originators of those Minutes; but I find that some of the alterations will have effects which could not have been contemplated; some will involve breach of faith which the Government cannot intend; others, I think, are ill adapted for the objects they are designed to accomplish; and others will be found to be fraught with injustice and disadvantage. But the peculiarity of the question is this—that in consequence of the manner in which the sanction of Parliament is obtained to the scheme, this House—although many of us are deeply interested in the question—will have no legitimate mode of expressing an opinion upon the subject. The plan is submitted to the consideration of the House of Commons, not to be embodied in a Bill, but to receive its sanction in the shape of a pecuniary vote. I think it is important that we should have some opportunity of considering these proposed alterations, and I hope the noble Earl the President of the Council will state, not that the Government intends to adhere to every clause and provision of those Minutes—for if he does I shall be astonished and disappointed—but I hope he will state that in some way, and, if he can, in what manner, he will submit this question to the considera-

tion of this House, and enable your Lordships to give an opinion upon the details, which no body of men are more capable of giving.

I need not now further trouble your Lordships with any observations upon the remaining topics in the Speech. I am happy to think that at present there seems no likelihood of any interruption to the unanimity with which we shall agree to the Address; and I say sincerely it will give me the greatest pleasure to find the proceedings of Parliament during the remainder of the Session as cordial and unanimous as they have been upon this its first evening.

EARL GRANVILLE:—I thank the noble Earl for his candid and patriotic speech. No one could have expected otherwise from the warm and firm loyalty of the noble Earl, who expresses the real feeling of this country when he says, that whenever the national honour or the national interests are concerned party spirit will be immediately discarded. The noble Earl has referred to the excitement which prevails with regard to the Minute of Council respecting education. With regard to the Minute, it is, no doubt, desirable that the subject should be fully considered in Parliament, and it is the desire of the Government to give Parliament the earliest opportunity of discussing it. I think it would be convenient that I should state on Thursday next what we propose in respect to those Minutes, and what modifications we are prepared to make to meet some objections which appear to possess weight. I do not think I need go into the question of Mexico at present, as it would be better to defer discussion upon that subject until your Lordships have read the papers. With regard to the late events which excited so much interest in the public mind—the American question—I think the course of this evening's debate has been highly satisfactory. The noble Lord who moved the Address, in a speech which has been justly characterized as singularly eloquent, and which points him out as belonging to a family distinguished in the annals of this country, justified the conduct of the Government, as did also my noble Friend who spoke afterwards, in a tone of calm judgment, which gives promise that he will worthily follow in the steps of his noble father, who has been an ornament to the British Parliament during a space of fifty years. It must, I think, afford singular gratification to my noble

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Friend at the head of the Government and his colleagues to find that they have conducted this affair so much to the satisfaction of Parliament and the country. I am bound to say that the Government have had some advantages in dealing with this question with the United States. They never had the slightest doubt, that if they cared for the honour and interests of the country, they would have the confidence and support of the country; and if they had that confidence and support, they knew the strength, physical and moral, which it would give in urging our demands in a calm and moderate tone, such as has been admitted to have marked our proceedings. In common with the majority of this country they were determined to take no step until they were fully satisfied as to the illegality of the measure of which they complained. Her Majesty's Government relied not only on the result of their own researches into the legal bearings of the question, but they were backed by the public opinion of Europe. They were not unconscious of the peculiar evils that must attend a war with the United States. They regretted that any cause of quarrel with that country should arise, particularly at a moment when it was distracted by civil trouble; but they felt that the injury done to England was one for which it would have been most injudicious, impolitic, and, in fact, impossible—having regard even to our relations with the United States themselves—not to have taken the promptest and firmest measure to obtain the redress that has happily been obtained. The noble Earl opposite has given what appears to be a due meed of praise to the conduct of the French Government in this matter. My noble Friend behind me has also pointed out the singularly straightforward and friendly course pursued by the Emperor of the French towards this country; and I may add that it appears to me that that course was not only friendly to this country, but likewise friendly to the Government of the United States—giving them as it did a support under the difficulties with which we cannot conceal from ourselves they had to contend in dealing with a national question of this kind, one part of the Congress, the Representative Chamber, declaring the act done to have been a legal one, and some American authorities asserting that according to their notions of international law, no wrong whatever had been committed. That peace has been

preserved is a source of unfeigned satisfaction to Her Majesty's Government. From the beginning we have endeavoured to maintain the strictest neutrality; and although circumstances may arise which may call for a different course, yet as long as circumstances remain in their present position I believe that the Government will be supported by the country and by Parliament in thinking that the only right, just, and prudent course to adopt is not to try to meddle with questions of infinite difficulty—complicated as they are with slavery and the constitutional rights of the individual States—but to hold a perfectly neutral attitude, leaving those States for themselves and by themselves to settle their differences whether by war or by peaceful means, our only hope being that that end may come speedily and in a manner most favourable to the interests of the States themselves and of the world at large. The loyal and admirable spirit shown by the people of Canada and by the whole of our North American colonies does them great credit, and has been most satisfactory to Her Majesty's Government to witness. The noble Earl criticised not, indeed, the present Government, but my noble Friend below the gangway (the Earl of Clarendon) upon the course he took with respect to neutral rights at the Conference of Paris in 1856. Now, I am bound to say that the Government of that day were in the fullest sense responsible for the conduct of my noble Friend on that occasion, because not only did they approve it, but it was after constant communication with him and the most careful consideration at home that they resolved—taking all the elements of that most important question into account—that it was for the benefit of this country that the rules there agreed upon should be adopted. In respect to the point mentioned as to a treaty, I quite concur with the noble Earl that that makes no difference. It is very difficult to make international treaties bearing upon times of war, because by the very operation of war all treaties cease of themselves. No doubt, however, that act of the Paris Conference binds, as between themselves, all the countries who agreed to it—but not those who did not join the Conference—to the observance of these rules during future wars. I think the noble Earl was not quite right in the illustration he gave of the effect of allowing neutral ships to carry the goods of belligerents. If, unfortunately, the ca-

lamity of a war with the United States should befall us, I have no doubt that our first operation would be to blockade, and that in a very efficient manner, all the ports of that country, thereby putting a considerable and speedy check upon the American trade. And so far from its being a disadvantage that any commerce which she carried on should be carried on in neutral bottoms it would be quite the reverse.

THE EARL OF DERBY begged to explain that he had supposed the case in which we should not enforce our rights, as against France, but in which America, having rights which she had not surrendered by treaty, would be entitled to enforce them.

EARL GRANVILLE: I can assure the noble Earl that there is no present intention on the part of Her Majesty's Government to enter into any negotiation on the subject of international law as bearing upon belligerents. I do not think it is desirable to do that, nor is this the fitting time for it. My Lords, I have only a few words to add to what has been so well said as to the irreparable loss we have sustained in the death of the Prince Consort. The noble Earl, having been twice Prime Minister, spoke with peculiar authority when he told us how much that illustrious Prince contributed to lighten the labours of the Sovereign and to assist her in the performance of her high functions as an eminently constitutional monarch. The noble Earl also stated the advantage it was to succeeding Governments themselves that one who lived so near the Throne should have been so wise, so sagacious, and so pre-eminently gifted, and I venture to say that just in proportion to their opportunities of holding communication with the Prince will be the appreciation by those who have filled the position of Ministers of the heavy loss which the country has now sustained. Having myself, both officially and unofficially, had frequent intercourse with His Royal Highness during later years, I must say that I remember no one person in any class of life who possessed a clearer understanding, no one whose intellectual faculties had been more highly cultivated; none from whom I personally derived so much instruction, or whose conversation led me to think with more benefit to myself on all educational and social subjects. It was a remarkable trait in the lamented Prince's character that not only were his intellectual faculties of the very highest order,

not only was his power of grasping general principles on any subject marvellous, but there was that in him which is by no means always combined with those qualities—namely, an unwearied industry and attention in applying great principles to the minutest details. I may also add, what I am sure the noble Earl opposite will concur in—namely, that His Royal Highness, although a man of strong will and strong character, was never exceeded by any person in any position, not only in his willingness, but in his anxiety to hear every possible objection that could be raised to his own views, in order that he might arrive at a really sound conclusion on the matter in hand. My noble Friend, who moved the Address, and the noble Earl who seconded it, have referred in eloquent terms to the many virtues of the late Prince Consort. My Lords, it has been well said that there is no more sublime spectacle than that of an honest man struggling with adversity. I conceive, my Lords, that there could be no nobler, no more touching sight than our bereaved Sovereign with her heart almost filled with despair, at present believing that she can enjoy no future earthly happiness, but inspired by her own sense of what is right, inspired by the counsels of him who is gone, turning with a fortitude and a courage almost beyond a woman's strength to the performance of her duty to her children and her country. My Lords, it is, I believe, with feelings excited by such a spectacle that we shall all unanimously vote this Address, and individually and collectively give, as far as we can in our different spheres, every assistance and support to our beloved Queen.

LORD LYTTTELTON said, it had been his wish to offer a few remarks on the revised Educational Code; but as he understood that that subject was to be discussed by their lordships on an early day, he would reserve his observations upon it till that opportunity.

EARL RUSSELL: My Lords, the noble Earl opposite has stated that every one who has held a high situation in Her Majesty's Government must be aware that the judicious advice tendered to the Queen by the illustrious Prince whom we all so deeply deplore was of the greatest advantage to the Crown and the country. Now, I wish from my own personal observation and experience to confirm that opinion. I am bound to state that the opinions the Prince gave, the temper with which he brought them to bear,

Earl Granville

and the impartiality with which he viewed every subject of State, were of great service to the Sovereign and to the Government. I will say one thing more—and I think that those who have watched the position of the Sovereign during the last twenty years will agree with me—that there has been a great change in this respect, a most beneficial change from what prevailed in former reigns. It often happened, when the Sovereign entertained political principles in opposition to those entertained by a portion of his subjects, that favour was given to one party, while another was decidedly proscribed; and the consequence of such distinctions—the effect of that favour shown to one party—whether it were the Whig party at the succession of the House of Hanover, or whether it was the opposite party in succeeding reigns—was to make one portion of the subjects of the Sovereign feel towards the other portion a degree of bitterness and animosity which would not, otherwise have existed. Now, I happen to know from the late Prince himself the view he took of the duty of the Sovereign in such a case. He stated to me, not many months ago, that it was a common opinion that there was only one occasion on which the Sovereign of this country could exercise a decided power, and that was in the choice of the First Minister of the Crown. The Prince went on to say that in his opinion that was not an occasion on which the Sovereign could exercise a control or pronounce a decision; that when a Minister had retired from being unable to carry on the Government, there was at all times some other party which was prepared to assume the responsibilities of office, and was most likely to obtain the confidence of the country. But, he said, a transfer having been made, whether the Minister was of one party or the other, he thought that the Sovereign ought to communicate with him in the most confidential and unreserved manner with respect to the various measures to be brought forward, the fortunes of the country, and the events that might happen—that whether he belonged to one party or another the utmost confidence should prevail between the Sovereign and the Minister who came forward in Parliament as the ostensible possessor of power. I do, my Lords, attribute in great measure to that opinion, which the Sovereign held in common with the Prince, the fact that there has been no feeling of bitterness among any party in this country arising from political exclusion, and that all parties during these twenty

years have united in rendering that homage to the Sovereign which the conduct of Her Majesty has so well deserved; and the country still reaps the benefit of the good counsel which the Prince Consort gave to the Crown. My Lords, I will say but a few words with regard to some of the other questions touched by the noble Lords who have preceded me—namely, the temporary interruption of our amicable relations with America. On the subject of the blockade of the Southern American ports, I think it better to postpone discussion till your Lordships have seen the further papers which will be produced. Let me, however, say that the declaration of the Convention of Paris was in strict accordance with international law, which at all times has said that a blockade, in order to be legal, must be effective. But that declaration went on to say that, to be effective, a blockade must be kept up by a force sufficient to prevent access to the ports blockaded. Now, generally speaking, with the exception of the first few weeks, there was a force sufficient to prevent access to the ports blockaded; but, it must be confessed, that although the force was perfectly sufficient, the blockade has not been regularly enforced, and there are instances of vessels having been able to evade it. For my own part, and on the part of the Government, it is our earnest wish to be enabled to preserve unimpaired that neutrality which we have hitherto maintained. I consider it of the greatest importance to do so. I cannot but think that before many months are over it will be ascertained whether the Northern States are able to accomplish that task they have set themselves of reconstructing the Union with the Southern States of America. If they are not able to accomplish that object, I am convinced it is far better that they themselves, their Government, their Congress and people, should be persuaded of the inutility of their efforts, and be ready to form a treaty by which the independence of the Southern States should be acknowledged—it is far better that this conviction should come to them from the failure of their own efforts than from the intervention of any foreign Power. If the fortune of war and the inutility of their efforts should induce them to acknowledge the Southern States as independent, I hope that not only the two might proceed in amity together, but we might expect that the United States would rest satisfied that the Powers of Europe had behaved fairly in this contest,

that they had respected the mighty Union in which liberty had for eighty years been established, and that they had been content not to interfere prematurely with the conduct of that contest. But if they should be convinced that it was by foreign interference and force that the Southern States had established their independence, depend on it there would be a rankling feeling against that country that first interfered, an enmity and bitterness we might have to deplore for several generations. With respect to Mexico, the three Powers are bound by the convention; they have but one object, and no influence will be used to prevent the Mexicans from settling for themselves all questions relating to their own form of Government. I am certainly not so sanguine as some others that the Mexicans are ready to establish a constitutional Government; but whether they are ready immediately to do so or not, I think it absolutely incumbent on this country to endeavour to obtain some redress for the wrongs we have suffered, and the sole feeling with which we have been actuated in the course we have taken, has been the desire to obtain redress for the outrages that have been committed. With regard, again, to the United States, the Government are proud to reflect that the nation has left entirely in their hands the treatment of the difference which had arisen. Nothing could be more satisfactory to the Government than the approval with which their recent acts have been received by the country. And now that the question has been adjusted I must say I believe that although on other occasions, when questions of boundary had to be settled, the country was most willing to yield any reasonable advantage to the United States of America, yet when our honour and reputation were concerned it was impossible that any compromise should be permitted, and it was incumbent on us to seek reparation, and not be satisfied till that reparation was obtained.

THE EARL OF CARNARVON said, it would be recollected that Mr. Jefferson Davis, in his Message to the Congress of the Confederate States, stated that he had laid before the various Governments of Europe evidence to show that the blockade had been interrupted and broken on many occasions. It was very desirable that those communications, if they had been made to Her Majesty's Government, should be included in any papers which might be presented to their Lordships.

EARL RUSSELL was understood to state that the communications referred to by the noble Earl would be included in the papers which would be laid on the Table.

LORD KINGSDOWN said, there was one subject to which he wished to call the attention of their Lordships, and that was the mode in which the dispute with America had been settled. He did not know whether the effect of the Address they were now asked to agree to, was to express an opinion that the settlement of the dispute had been satisfactory. If it were, upon the information of which the country was at present in possession, he felt it impossible to pronounce such an opinion. He thought it had been most unsatisfactory. He gave full credit to Her Majesty's Government for their proceedings—for the promptness with which they had demanded reparation, for the temper with which they had made the demand, and the vigour with which they prepared to enforce it. But what had been the conduct of the United States? A gross and scandalous insult had been publicly offered to the British Flag by an officer of the United States. It was said that this was done originally without the authority of his Government. The Government might have repudiated it; but they adopted it—they took possession of the captives and detained them in prison. It was true they at last surrendered them, but upon what terms? Without one word of apology, without the smallest expression of regret for what had happened, without one farthing of compensation to the victims of the outrage. The surrender was accompanied by a despatch making statements and laying down rules, in which if we had acquiesced he did not hesitate to say that Great Britain would have stood before Europe in a much worse situation than if she had taken no notice of the insult. The despatch justified the conduct of the officer, and maintained, in effect, that his only fault was in not carrying the outrage further; and it concluded with an insulting declaration that right or wrong the United States Government would have kept the prisoners if they had been of any value, and gave them up only because they were worthless. Was this the reparation which was sufficient to remove the stain upon the honour of our flag? He was not prepared to say that after the surrender had been made we ought to have gone to war

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in order to enforce an apology, but he could never think that a surrender made under such circumstances could be properly termed by their Lordships a satisfactory settlement of the dispute. He would not have intruded upon their Lordships' attention if he did not wish to give his adhesion to the principles laid down by the law officers of the Crown in the despatch sent in answer to that of Mr. Seward. The surrender might have been satisfactory if it had proceeded on the grounds laid down in that despatch; but the Government of America repudiated those grounds, and insisted upon totally different principles. He could not but congratulate the noble Earl and the country on possessing at so important a crisis the assistance of such a law officer as his hon. and learned Friend the Solicitor General, who brought to every case to which he applied himself all the weight and authority that belonged to great ability, the most profound knowledge, and the very highest character, both public and private. In reference to the recent loss which the country sustained in the death of the Prince Consort, he would only say, having had the honour of being associated with His Royal Highness for nearly twenty years in the management of the Duchy of Cornwall, that His Royal Highness had uniformly displayed, in the conduct of those affairs, all those great qualities for which he had been distinguished in more conspicuous stations. His aptitude for business and patience and attention to it were quite extraordinary, and nobody ever conducted it with greater efficiency or in a manner more calculated to conciliate the respect, admiration, and affection of those who enjoyed the honour of being his colleagues.

Address agreed to, *Nemine Dissentiente*; and Ordered to be presented to Her Majesty by the Lords with White Staves.

CHAIRMAN OF COMMITTEES.

The Lord REDESDALE appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session.

House adjourned at a quarter-past Eight o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, February 6, 1862.

MINUTES.] NEW WRIT ISSUED.—For Lincoln City, *v.* George Fieschi Heneage, esquire, Chiltern Hundreds.

NEW MEMBERS SWORN.—For Lancaster County (Southern Division), Charles Turner, esquire; for Birkenhead, John Laird, esquire; for Coleraine, Sir Henry Hervey Bruce, baronet; for Oxford County, Lieutenant Colonel John William Fane; for Nottingham Town, Sir Robert Juckes Clifton, baronet; for Carlisle, Edmund Potter, esquire; for New Shoreham, Sir Percy Burrell, baronet; for Plymouth, Walter Morrison, esquire; for Lincoln City, Charles Seeley, esquire; for Finsbury, William Cox, esquire; for Worcester County (Eastern Division), Harry Foley Vernon, esquire.

PUBLIC BILL.—1^o Outlawries.

The House met at half after One of the clock.

Message to attend the Lords Commissioners;—

The House went;—and having returned;

MR. SPEAKER acquainted the House that he had issued Warrants for *New Writs*, for Plymouth, *v.* Viscount Valletort, now Earl of Mount Edgumbe; for Lincoln City, *v.* Major Gervaise Tottenham Waldo Sibthorp, deceased; for Carlisle, *v.* right hon. Sir James Robert George Graham, bart., deceased; for Finsbury, *v.* Thomas Slingsby Duncombe, esq., deceased; for Worcester County (Eastern Division), *v.* John Hodgetts Hodgetts Foley, esq., deceased; for Nottingham Town, *v.* John Mellor, esquire, one of the Justices assigned to hold Pleas before the Queen; for Oxford County, *v.* George Granville Vernon Harcourt, esq., deceased; for New Shoreham, *v.* Sir Charles Merrik Burrell, bart., deceased; for Coleraine, *v.* John Boyd, esq., deceased.

OUTLAWRIES BILL.

FIRST READING.

Bill “for the more effectual preventing Clandestine Outlawries,” read 1^o.

THE LORDS COMMISSIONERS’ SPEECH.

MR. SPEAKER reported, That the House had been at the House of Peers at the desire of the Lords Commissioners appointed under the Great Seal for opening and holding this present Parliament;

and that the Lord High Chancellor, being one of the said Commissioners, made a Speech to both Houses of Parliament, of which Mr. Speaker said he had, for greater accuracy, obtained a copy, which he read to the House.

ADDRESS TO HER MAJESTY ON THE LORDS COMMISSIONERS’ SPEECH.

MR. W. PORTMAN: Sir, I rise to move that an humble and dutiful Address be presented to Her Majesty, in answer to the most gracious Speech which we have just heard read; and although when requested by the noble Lord at the head of Her Majesty’s Government to undertake the task I much wished that it had fallen to the lot of some other hon. Member of this House, whose greater command of language and experience in addressing you would have enabled him to express the feeling of this House more eloquently and more adequately than I can hope to do, yet I felt that it was intended to pay, through me, a compliment to the constituency which I have the honour to represent, and therefore I shall endeavour briefly to call the attention of the House to the principal topics in Her Majesty’s Speech. It is probable there are many hon. Members now present who attended the meeting of Parliament in 1840, and may have heard the hon. Member who then moved the Address offer to Her Majesty the congratulations of the House and of the country on Her then approaching marriage with Prince Albert. The hon. Member expressed the most confident expectation that from the union then about to take place the most complete happiness would result, not only to Her Majesty, but to the nation over which She reigned. We have all seen how fully that expectation has been realized. But it is now, alas! my painful task to refer to the termination of an illustrious career, and to notice some leading features in the character of the Prince whom it has pleased God to remove from amongst us, in the prime of life, and while actively engaged in promoting every measure which could tend to the mental advancement or physical comfort of the great mass of our fellow-countrymen. Sir, the task which I have undertaken is at once easy and difficult—easy, because I feel assured that all who now hear me will concur with me in expressing the highest admiration of the deceased Prince in all the

domestic relations of life ; and it is, at the same time, a difficult task, because I feel how impossible it is for me to do full justice to my subject, or to say anything which has not been more aptly said elsewhere on many public occasions by those whose personal acquaintance and intercourse with the deceased Prince, on matters of public and private interest, enabled them to obtain a deeper insight into his talents and high moral character. Placed at a very early age in a most exalted position, from that moment this illustrious Prince devoted himself to the study how best he could perform the duties of that position. From the first moment that he came amongst us he evinced an ardent desire to make himself acquainted with the history, feelings, and principles of the English people ; endowed with intellectual powers of no common order, but debarred from exercising them in political affairs, in which he would, otherwise, no doubt have distinguished himself, he devoted the energies of his mind to promoting the welfare of the nation by giving encouragement to every charitable institution, to the arts and sciences, and to every well-considered scheme for promoting the physical comfort and moral elevation of the people, more especially of the poorer classes of this country. I think, Sir, that the domestic happiness of the Court of England has, exercised a most beneficial influence on the whole private life of the country, and has doubtless contributed much to raise this country and Her Majesty's Court to a high pitch in the estimation of all foreign nations. I am sure we can all bear witness to the deep grief and sorrow which was felt by all Her Majesty's subjects upon the receipt of the intelligence of the death of His Royal Highness ; and it is to be especially remarked, that among the humblest classes of society the first thought was for the Queen, and the first inquiry was how she bore the overwhelming shock of her great calamity.

Turning to less melancholy subjects, the House must receive with much gratification the assurance that Her Majesty's relations with all European powers continue to be satisfactory, and that Her Majesty trusts that there is no reason to apprehend any disturbance of the peace of Europe. But—

“ A question of great importance and which might have led to very serious consequences, arose between Her Majesty and the Government of the United States of America ; ”

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and, Sir, I think that the pacific solution of that question is mainly due to the prompt and vigorous measures adopted by Her Majesty's Government. The act of Commodore Wilkes was one which no nation having the power to resent it could possibly allow to pass unnoticed. It was a breach of international law and a direct insult to the British flag ; and I am not afraid of hearing any dissentient voices when I say that the course taken by Her Majesty's Government was the one which was best calculated to maintain peace, and at the same time to assert the dignity of this country in a manner worthy of the trust which was reposed in them by the nation. The despatch which was sent by our Government to that of the North American States was courteous although firm in its tone, and was free from any menacing expressions or any language which might have been calculated to wound the feelings or excite the passions of a nation kindred to ourselves and already struggling with the horrors and the difficulties of a civil war. The tone of that despatch gave to the Government of the Northern States of America an opportunity of disavowing the act which had been committed by an officer of their navy, and at the same time to make full and ample reparation for it ; and we have great cause for thankfulness that the course marked out, as it so clearly was, by justice, by sound policy, and by common sense was followed by the Government of a country so different from our own, and in which there must always be more or less danger that the violence of popular clamour should overbear the counsels of wise and moderate men who are better capable of judging what line of conduct is most honourable towards other Powers and most conducive to the welfare of their own nation. Without wishing to say anything irritating or invidious, I may, perhaps, be permitted to draw a comparison between the attitude of the people of this country on this occasion and that of the people of North America. If we are to believe the reports which were published by the press of that country, there existed among the people of the United States a violence of feeling and a readiness to push matters to extremity from which we were happily free. The people of this country were in the first instance anxious to ascertain the rights of the case, and when that point was placed beyond all doubt, not only by the opinion of our own legal authorities, but by the

concurrent opinions of all the other great powers of Europe, they evinced their determination to seek reparation for the injury which had been done them, and, if necessary, to enforce that reparation by an appeal to arms. We were happily spared the misfortune of a war with men of our race; but, although saddened by the prospect of such a contest, this country was determined, if necessary, to carry it on until due and ample reparation had been obtained for the offence which had been committed; and I am sure that all that has been done in this matter by Her Majesty's Government has received the full approval of the large majority of the people of England; and I am happy to find that what has been done has left our friendly relations with the United States unimpaired. On the other hand, this occurrence has produced some most gratifying results, the principal of which is the display of loyalty and patriotic spirit on the part of Her Majesty's subjects in British North America. The people of that part of Her Majesty's dominions have shown that they can appreciate the wise and liberal form of government under which they live, and under which they enjoy to the fullest extent their civil and religious liberty. The prompt assistance, too, which was sent out from this country by the despatch both of military and naval forces, and of officers who were competent to assist and direct the efforts of local patriotism, has had the best possible effect, and has encouraged the Canadians to redouble their exertions, and to resist any attempts at annexation or invasion, of which at one time there appeared to be such imminent danger. At the same time the promptness with which the reinforcements were despatched has prevented the conception of any idea by the people of Canada that the mother country is careless of preserving the attachment of her most important colonies. We have also received from our ally the Emperor of the French a most important proof of his friendship in the readiness with which he expressed his opinion in favour of this country; and I can have no doubt that the prompt and unhesitating expression of that opinion went far to produce the pacific solution of this most important question. We have hitherto maintained the strictest neutrality with reference to the painful struggle between the Northern and Southern States of America. We have maintained that neutrality at the expense of much suffering and distress

among thousands of our manufacturing population; but I trust that it may be in the power of Her Majesty's Ministers to continue that neutrality. I believe that the exigencies of the case will only offer fresh impulses to British commercial enterprise, and will be the means of opening new fields from whence we may derive our supplies of cotton, and thus of making our manufacturers comparatively independent of the supplies which they had hitherto drawn from the Southern States of America. Another thing upon which I may congratulate the House, and more especially hon. Members opposite, is the success of the scheme for the organization of our Naval Reserve. By that means we have been enabled to send forth a powerful naval force, and we know that if another similar emergency should occur, we have at our command the voluntary services of a body of skilled sailors, who are ready to assist us in battling for and in maintaining the supremacy of this country at sea. I find next in the Speech we have heard read, that—

“The wrongs committed by various parties and by successive Governments in Mexico upon foreigners resident within the Mexican territory, and for which no satisfactory redress could be obtained, have led to the conclusion of a convention between Her Majesty, the Emperor of the French, and the Queen of Spain, for the purpose of regulating a combined operation on the coast of Mexico, with a view to obtain that redress which has hitherto been withheld.”

Sir, I believe that in joining France and Spain in the expedition to Mexico Her Majesty's Government have no intention to do more than obtain the redress which is our due. They have no desire to interfere with the internal affairs of Mexico, or to seek any territorial aggrandisement; and when the object of the expedition has been attained, the Mexicans will be left to settle their form of Government as they please. It is also a matter for congratulation that an improvement had taken place in the relations between Her Majesty's Government and that of the Emperor of China. I trust that a more enlightened era is dawning upon the Chinese empire; that the fears of intercourse with other nations and of the evils which might possibly result therefrom may by degrees diminish; that instances of duplicity, of insult, and of the infraction of rights which have been insured to us by treaty will become less and less frequent; that the trade of this country with China will be placed on a more satisfactory footing; and that we shall no more be compelled,

as we have hitherto been, to use force to obtain the rights which have been secured to us by former treaties. Her Majesty then informs us that a convention has been concluded with the Sultan of Morocco, by which the Sultan has been enabled to raise the amount necessary for the fulfilment of certain treaty engagements which he had contracted towards Spain, and Her Majesty also informs us that She has directed to be laid before the House the Estimates for the ensuing year, which Her Majesty tells us have been framed "with a due regard to prudent economy and to the efficiency of the public service." The House, I am sure, will be of opinion that it is not only the duty but the policy of every Government to make all practical reductions in the expenditure of the country, but at the same time only to make them as far as might be consistent with the maintenance of the perfect efficiency of our establishments. The people of England give freely towards the support of those establishments, and they expect that the money which they so freely contribute will be laid out to the greatest possible advantage, and with the least extravagance and unnecessary expenditure; and the opinion is also very prevalent in this country that those means of taxation which are the most easily resorted to, and which in time of difficulty and distress are most elastic, should be handled as lightly as possible when no such difficulties exist. The House is next informed by Her Majesty's command, that measures for the improvement of the law will be laid before us, and among these a Bill for rendering the title to land more simple and its transfer more easy. I believe the House would bear me out in the assertion that no greater boon could possibly be bestowed on the landed interest of the country than such a measure; and not only to existing landed proprietors, but to those who wish to become so; for it is well known that the expenses at present attendant on the sale and transfer of land are so heavy as in many instances to become almost prohibitory. Other measures of public usefulness relating to Great Britain and Ireland, we are informed, will be submitted to the consideration of Parliament. Her Majesty then alludes with regret to the fact "that in some parts of the kingdom, and in certain branches of industry, temporary causes have produced considerable pressure and privation; but Her Majesty had reason to believe that the

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general condition of the country is sound and satisfactory." Representing as I do strictly an agricultural constituency, I may say on their part that the late harvest, though small in quantity as compared with former years, was of such excellent quality that the agricultural interest may now be said to be in a prosperous and flourishing condition. In moving this Address it is my duty to ask the House to depart from its usual course, and to agree to a special paragraph of condolence with Her Majesty in the afflicting dispensation of Providence with which She has been visited. Her Majesty has always so identified herself—if I may use the expression—with the domestic life of this country, that her sorrow has in consequence been more deeply and more sincerely appreciated, and that the pity which is felt for her among all classes of her subjects is not so much that which would be deemed right and proper towards a Queen, as heartfelt sympathy with the widowed mother. On the part of the House of Commons and of the people whom it represents, I may be permitted, in moving this special paragraph, respectfully to assure Her Majesty that in this course we are not merely fulfilling a conventional form of duty, but we are endeavouring to express the heartfelt sympathy felt for her by all classes of her subjects, and to give an additional proof, if proof were needed, that her throne is founded on—humanly speaking—that best and surest foundation, the hearts and affection of a free, a loyal, and a devoted people. The hon. Member concluded by moving,—

"That an humble Address be presented to Her Majesty, to thank Her Majesty for the most gracious Speech delivered by Her Command to both Houses of Parliament:

"To take this first opportunity of offering to Her Majesty our sincere Condolence on the afflicting dispensation of Providence with which Her Majesty and this Nation have been visited in the death of His Royal Highness the Prince Consort:

"To assure Her Majesty of our heartfelt participation in the universal feeling of sympathy with Her Majesty under this calamitous bereavement, and in the deep sense entertained by all classes of Her Majesty's Subjects of the irreparable loss which the Country has sustained in a Prince whose tender attachment to Her Majesty, whose eminent virtues, and whose high attainments, unceasingly devoted to the interests of this

ountry, won for him general love and admiration, and will cause his name to be held in grateful and affectionate remembrance :

"To assure Her Majesty that it is our earnest prayer that Her Majesty's health, in which Her faithful People take so lively an interest, will not be impaired by overwhelming grief, and that this Kingdom will long continue to enjoy the blessings of a reign with which its happiness and welfare are so intimately associated :

"Humbly to thank Her Majesty for informing us that Her relations with all European Powers continue to be friendly and satisfactory, and to assure Her Majesty that, with Her, we trust that there is no reason to apprehend any disturbance of the peace of Europe :

"To express to Her Majesty the deep gratification with which we learn that a question of great importance, and which might have led to very serious consequences, arising from the seizure and forcible removal of four Passengers from on board a British Mail Packet by the Commander of a ship of war of the United States, has been satisfactorily settled by the restoration of the Passengers to British protection, and by the disavowal by the United States' Government of the act of violence committed by their Naval Officer ; and that the friendly relations between Her Majesty and the President of the United States have therefore remained unimpaired :

"To assure Her Majesty that we have heard with much satisfaction of the loyalty and patriotic spirit manifested on this occasion by Her North American Subjects :

"Humbly to thank Her Majesty for commanding that the Convention between Her Majesty, the Emperor of the French, and the Queen of Spain, for the purpose of regulating a combined operation on the Coast of Mexico, with a view to obtain that redress which has hitherto been withheld for the wrongs committed by various parties and successive Governments in Mexico, upon foreigners resident in the Mexican territory, should be laid before us :

"To express our satisfaction that the improvement which has taken place in the relations between Her Majesty's Government and that of the Emperor of China, and the good faith with which the Chinese Government have continued to fulfil the engagements of the Treaty of Tien-tsin, have enabled Her Majesty to withdraw Her Troops from the city of Canton, and to reduce the amount of Her force on the coast and in the seas of China :

"To thank Her Majesty for informing us that

a Convention has been concluded with the Sultan of Morocco, by means of which the Sultan has been enabled to raise the amount necessary for the fulfilment of certain Treaty engagements with Spain, and thus to avoid the risk of a renewal of hostilities with that Power ; and for commanding that Convention, and Papers connected with it, to be laid before us :

"To thank Her Majesty for having directed the Estimates for the ensuing year to be laid before us :

"To assure Her Majesty that we will give our most serious attention to the measures for the improvement of the Law, especially as concerns the Title and Transfer of Land, as well as to other measures of public usefulness which may be submitted for our consideration :

"To convey to Her Majesty the assurance that we participate in Her regret that in some parts of the United Kingdom, and in certain branches of industry, temporary causes should have produced considerable pressure and privation ; but at the same time, to express to Her Majesty the gratification with which we learn that Her Majesty has reason to believe that the general condition of the Country is sound and satisfactory :

"Humbly to assure Her Majesty that, in common with Her Majesty, we fervently pray that the blessing of Almighty God may attend our Deliberations, and may guide them to the promotion of the welfare and happiness of Her People."

MR. WESTERN WOOD, in rising to second the motion of the hon. Member for Dorsetshire for an Address in reply to Her Majesty's most gracious Speech, said he was aware of the proverbial forbearance and indulgence extended to every Member on the first occasion of his venturing to address that House ; and while none could be so acutely sensible as himself how much he stood in need of their exercise, he felt that he should less deserve them if he ventured upon any lengthened appeal to the consideration of hon. Members, and he should, therefore, proceed at once to discharge in the best manner he could the responsibility devolving upon him. The touching allusion in Her Majesty's Speech to the irreparable loss which Her Majesty and the country had sustained, doubtless, came home to the hearts of all, and the House of Commons desired in common with every individual in the country, to express their sincere sympathy and condolence with Her Majesty in her

overwhelming bereavement. In so doing, he ventured for himself to say, that the veneration, respect, and high estimation in which the Royal Consort was held, would long endear his memory to all classes of Her Majesty's subjects. Such respect and such veneration had never, he believed, been more universally or unequivocally expressed—or, he would add, more worthily deserved. A demonstration of feeling was in progress, which, he trusted, would not only result in handing down to posterity the record of the high qualities and inestimable virtues of the late Prince Consort, but would also erect in some shape of practical utility a more imperishable memorial both of his deserts and of their appreciation—a memorial such as he would have been delighted, if living, to have had his name associated with, and through which, being dead, he might yet speak to Englishmen for ever. Her Majesty had been long and mercifully preserved from almost every cloud of sorrow; but lately it had pleased God within a few months to visit Her Majesty with a twofold affliction, leaving her motherless and a widow. While they could not sufficiently admire the submission with which Her Majesty had bowed to the will of Providence they must also the more feel how deeply she was entitled to their sympathy and commiseration. His hon. Friend the Mover of the Address had adverted at such length and with so much feeling to this topic in Her Majesty's Speech that he might be deemed tedious if he were to say more on so painful a subject. There were other portions of the Royal Speech to which, perhaps, as the representative of a great commercial community, he might be expected to apply himself, and on these he would venture to make a few observations. They must all rejoice unfeignedly at the announcement that Her Majesty continued in friendly relations with the other great European Powers. That the people of this country believed such to be the case, was shown by the high prices which the funds were maintaining. In a commercial country there was no better indication of public confidence, and the price of public securities in England might be favourably contrasted with the rates at which those of other nations were at present quoted. With regard to the next paragraph in Her Majesty's Speech, the threatened rupture with the United States had caused greater excitement in this country than anything which had occurred since the Crimean war. He was very desirous that no observation

should escape his lips which should be calculated to excite the susceptibilities, or, perhaps, he might say, the irritabilities of our friends on the other side of the Atlantic. He was very unwilling, in the present state of feeling, to give rise to the supposition, however groundless, that in his speech on this occasion his statements were made on any authority but his own. He would, therefore, content himself with saying that, as all were aware, an insult on our flag having been committed, redress was demanded, and that redress had been conceded. He would not stop to inquire whether the manner in which it had been conceded was as prompt as was due to this country, and, he would add, as was consistent with the character and dignity of the United States. Be that as it might, the Government of this country had every reason to be satisfied, for their claim had been admitted by the Power against whom it was made, and we had obtained the concurrence of every great Power of Europe, both as to the justice of the claim we had put forward and in the temperate manner in which we had enforced it. He turned from the conduct of the American Government to the conduct of our own, and he was quite sure he would have the unanimous concurrence of that House—certainly, if not of that House of the whole country—when he said that the conduct of the British Government, in reference to the affair of the capture, was entitled to the approbation of the British nation. The action of the Administration had been characterized by promptness and energy, and at the same time by a moderation which left nothing to be desired. While on the one side they might commend the marked moderation of the tone of the official demands, they must, on the other, be delighted at the energy and confidence with which measures were adopted to enforce these demands, if the American Government should refuse to comply with them. He should imagine that on no former occasion had the great Power of this country been so rapidly and efficiently developed. They had lately from the noble Lord the Secretary of the Admiralty a vivid description of not only what was done, but also of what more would have been done if it had become necessary. He should not attempt by any touches of his own to spoil the picture which the noble Lord had drawn of the strength of our resources; but he believed that at no former period in our history had so formidable a fleet

been brought forward in so short a space of time. Great credit was due to the chiefs and the executive both of the army and the navy for the way in which they had met the exigencies of this case. The hour of difficulty had also proved the inestimable value of the Naval Reserve—its efficiency had been shown, and the wisdom of its establishment justified. The mercantile marine officers and men vying with each other, had plainly shown how glorious a resource this would be in time of need, and it was one upon which confident reliance could always be placed. He could not, while upon this subject of the late American difficulty, but compliment the noble Lord the Foreign Secretary for the moderation and the tone of his demands upon the Federal Government, and the noble Leader of Her Majesty's Government for the promptness with which he had taken every measure that was required to bring the dispute to a satisfactory settlement. He could not omit either to notice the conduct of the officers and men both of the army and navy for the readiness which they had shown for the service of their country, and he felt that, with such gallant defenders abroad, and our host of Volunteers at home, they might well rest satisfied with the security of this country. The threatened rupture with America had, moreover, given Her Majesty's subjects in Canada an opportunity of displaying their loyalty and patriotism; and they had availed themselves of it in a manner which was most gratifying to the Sovereign and to the people of England. Some slight doubts had been thrown on that loyalty; and while he would not go the length of saying that it was worth having the difference in order that the loyalty of Canada might have been displayed, he certainly thought that the occurrence on board the *Trent* had been of value by reason of its effects on that country. There was now being organized a force in Canada which in all probability, with a slight assistance from this country, would be sufficient for the future protection of that colony from any attack that might be made upon her. With reference to the next paragraph in Her Majesty's Speech—that relating to our intervention in Mexico—he would express his opinion that there could be no question of the unanimous approbation by Parliament of the measures which Her Majesty's Government had taken in that respect. The long-continued state of anarchy and

disorder which had reigned in Mexico, the continual spoliation of the property of foreign residents, and the atrocious and bloody murders committed, had long called for interference; and if any fault could be found with the Government, it was for too long forbearance rather than on account of its present attitude. The terms of the convention, as he understood, went further than the hon. Gentleman who moved the Address had described; for, if he was not mistaken, it guarded specially against any interference with the internal government of Mexico, and the people of Mexico were to be left entirely free and unfettered to choose their own constitution. The only object of the expedition was, to seek redress for the wrongs committed, to secure the restitution of property taken, to require the punishment of the guilty, and to insure for the future liberty and freedom to foreigners resident in that country. Some of the inhabitants of Mexico had expressed their opinion that a monarchical form of Government would be the one best calculated to achieve the regeneration of the country; and a personage had also been pointed out who perhaps, under all the circumstances, would be the best selection as a Sovereign for Mexico; but as it was rumoured that he had been advised that he could not enter the country without an army of 20,000 men, and funds to the amount of £4,000,000, the proposed plan did not seem very likely to be speedily carried into effect. Referring to the paragraph in Her Majesty's Speech which alluded to our relations with China, he would observe that though the Regent of that country had come into power by means that might not be agreeable to noble Lords and right hon. Gentlemen in that House, yet there was good reason to think that he would carry out the stipulations of the treaty with this country in a manner that would lead to increased trade with an empire of such great size and enormous population. The next passage of the Speech referred to the Convention entered into with the Sultan of Morocco, and he did not doubt that the measures taken by Her Majesty's Government would meet with the approval of the House. The public estimation of the loan to that country guaranteed by Her Majesty's Government had been sufficiently shown by the monetary world, which had offered five millions when only £500,000 had been required; and a further proof of the same fact was to be found in the very high premium which the loan bore in this

country. The present Emperor of Morocco, he was informed, was a very enlightened and excellent man, and they might look forward with perfect confidence to his faithfully observing the stipulations of the treaty. Her Majesty's Government were not a party to the loan, but they had undertaken the collection of certain of the revenues of Morocco as security for the payment of the interest and the ultimate redemption of the principal. In regard to the Estimates for the year, and the appeal which Her Majesty had never yet made in vain to the patriotism of the country, he entertained no doubt that the House of Commons would liberally provide all that the public exigencies required. His opinion was that a wise liberality was in the end very often found to be a prudent economy. His hon. Friend had referred with great satisfaction to the introduction of a measure for simplifying the titles to land and facilitating its transfer. He had no doubt that representing an agricultural constituency, as his hon. Friend did, that portion of the Royal Speech must appear to his hon. Friend eminently a subject of congratulation:—it would be a subject of congratulation in other quarters as well. The simplification of the transfer of land, was not a subject of importance to the agricultural interest alone, for there had been so large a development of building societies of late that an increased facility of transferring land had become a matter of great interest and importance to the people at large. Far be it for him to say that landed proprietors ever required advances of money on their estates, yet it was highly desirable that greater facilities should be given to them for obtaining loans, and that such securities should be placed on the same footing as every other description of property. There was only one other point of the Speech to which he need refer. The House must sympathize deeply with the regret expressed by Her Majesty at the distress existing in some portions of the kingdom and in some branches of trade. No doubt that distress existed to a considerable extent, but there was some consolation in feeling that it was not of the same urgent character as on many former occasions, and that up to the present time local relief had been sufficient for its requirements. He could not pass from this subject without paying a deserved compliment to the working classes, whose conduct under their difficulties had been most admirable. He attributed this in a great measure to the

Mr. Western Wood

diffusion of general knowledge, which had enabled them to form a correct judgment upon the causes from which their difficulties had sprung, and to appreciate the impossibility of their immediate removal. This knowledge had strengthened their patience in the presence of the evils pressing upon them. That the Legislature might be enabled to remove this pressure in the most natural way, must be the sincere desire of all parties; but the working classes must be well aware that the whole of that distress had not arisen solely from the supply of the raw material having been cut off, but also partly from the over-production of manufactures, which had, in fact, inflicted a plethora of goods upon every part of the world. He had trespassed longer upon the patience of the House than he had intended, and he could not better conclude than by joining in the prayer expressed by Her Majesty at the conclusion of the Royal Speech, that the blessing of Almighty God might attend their deliberations and guide them to the promotion of the welfare and happiness of her people. He would extend that prayer on his own part by praying that God would be pleased to shower down His best blessings on Her Majesty herself. With many thanks for the patience with which the House had heard him, he had now the honour to second the Motion for the adoption of the Address.

Motion made, and Question proposed, That, &c. [See p. 56.]

MR. DISRAELI:—Sir, the intimation conveyed in the Speech of the Lords Commissioners, both with respect to our foreign relations and our domestic condition, must, I feel, be satisfactory to the House. Although no one can be blind to the fact that the general condition of affairs is one pregnant with anxiety—but I hope not apprehension—yet, under the favour of Divine Providence, and with the exercise of vigilance and moderation in our Councils, let us trust that these perils and trials may be averted or surmounted. Since the House was prorogued the march of events in North America has been momentous. Nothing, however, has occurred so far which has for a moment shaken my conviction of the wisdom of the policy which was adopted originally by Her Majesty's Government—the policy of neutrality; and I feel bound to take this, the earliest opportunity, of expressing my belief that that policy on the part of Her Majesty's Government was sincerely adopted and had been sincerely practised. Very recently,

indeed, an event occurred which for a moment seemed to endanger the practice of that policy. The conduct of the Government with respect to the matter of the *Trent* was the conduct which I trust that any men responsible for the government of this country would have followed. But that it was followed with firmness and moderation I freely and cheerfully admit. On the other hand, I am bound to say that the reparation that was offered to us appears to me to have been influenced by sentiments as worthy. I, Sir, am not prepared to peer and pry into any possible motives unknown to us that may influence the conduct of public men. When I consider the great difficulties which the statesmen of North America have to encounter, when I consider what I may call the awful emergency which they have been summoned suddenly to meet, and which, without giving any opinion upon the cause of these transactions, I would venture to say they have met manfully and courageously, I think it becomes England, in dealing with the Government of the United States, to extend to all which they say at least a generous interpretation, and to their acts a liberal construction. Sir, fairly and frankly expressing my own feelings upon these points, at the same time I think we have a right to expect from the Government of the United States that they should take no perverse view of the conduct of the Government of this country. In an instance of intestine dissension a neutral Power must contemplate a term to such disorders, but whether that term should be accomplished by vindicating the authority of the legitimate Government, or by recognising the existence of the insurrectionary power, is an event which time and circumstances alone can settle, but which is a result which never can be absent from the observation and consideration of responsible Ministers. Sir, there is something in these matters stronger than the law of nations—the instinct of the human heart, which recoils from hopeless and unnecessary ravage.

All that the Government of the United States has a right to expect, and what I trust no Government that may exist in this country would ever refuse them, is that no steps should be taken—if steps should be necessary—in a precipitate spirit. A precipitate step may turn out to be a premature one, and we owe the utmost and the deepest deliberation on such matters not only to the feelings of an

ally—which ought to be considered—but we owe it to the interests of this country itself. And when, Sir, I see in this paper before me the reference that is made to another country in North America, and when I find that an interference is about to take place in that country which, from certain authentic statements that are prevalent, may even aim at its political independence, I say, remembering that this country was the first that acknowledged the independence of that insurrectionary State, it becomes us well to consider what steps we should take in future in similar matters. But, Sir, in saying so much, and without giving any opinion upon the present condition of the Southern States, or upon the character of that blockade of their ports which so much occupies public attention at this moment—because I think to-night it would be most inappropriate and inconvenient to enter into any controversial discussion—I think that this country has a right to expect that the most ample and authentic information in the possession of the Government with respect to the blockade of the Southern ports should be laid upon the table of the House. I presume that from the commanders of our squadrons and other official sources on the spot the Government are in possession of very ample materials on which the ultimate judgment of this House and of the country may depend. That information—without intimating the slightest opinion upon the merits of the case on the present occasion—I think we have a right to expect to be given.

Now, Sir, there is another matter connected with North America, to which I have for a moment alluded, which, I confess, is one that fills me with some apprehension. As I understand that papers are to be laid upon the table, it would be highly inconvenient and quite unnecessary to enter now into any discussion as to the merits of the policy adopted by the Government with respect to Mexico; but I do not wish this opportunity to be lost—nay, I feel it my duty to take this occasion to impress upon the House and the country that this is a question which deserves our most anxious attention. And, Sir, I do this for two reasons. In the first place, I cannot forget that England was the first country that recognised the independence of Mexico—an event connected with a memorable policy and a memorable man. The occasion must be one of the most grave which could bring about the necessity that Eng-

land should strike at that political independence which itself created. But there is a second reason which makes me view this announcement with apprehension, and which makes me anxious that, even on this early occasion, the House should give its attention to this important subject. So far as we can form an opinion from those statements which are held to be authentic, and which meet the public eye by the convenient communication of favoured journals, the very grounds upon which this interference in Mexico is taking place have changed in the course of a very brief time. First of all we heard that the object of the expedition was to obtain redress for British subjects who had been the victims of extortion and confiscation; but now it is generally rumoured that the object is much higher—that not merely is it to obtain redress for injury to British subjects, but that the object and effect of this alliance may be to introduce into North America new principles of Government, and absolutely even to establish dynasties. I will offer no opinion to-night on the conduct of the Government in this matter. It is impossible, until we are perfectly familiar with all that has taken place, that we can come to a satisfactory conclusion. But I think that the state of affairs is such as to justify on our part great anxiety, and may even lead to considerable embarrassment.

But, Sir, there is another piece of information which follows the announcement of the convention with France and Spain in regard to Mexico, which though certainly of not so important a character, ought not to pass without remark, and that is the convention with the Sultan of Morocco. Now, Sir, it is very difficult to collect from this announcement the exact nature of this convention; but I presume I am not in error in the interpretation I place upon it, when I say, that though not a formal guarantee of interest by this country to those who have lent money to the Emperor of Morocco, it is in fact a virtual guarantee. Now, Sir, treaties of guarantee to those who lend money to foreign Powers should always be treated by this House with great distrust. I do not mean to say that there may not be circumstances of so grave a character that the political considerations may not absorb those principles of finance which generally prevail in this House. I do not mean to say that there are no circumstances in which such conventions have not been sanctioned by the House, though even within a few years the

House has sanctioned only by a very narrow majority the engagements of the Crown in this respect. But if there is to be a guarantee, I should much prefer a direct to a mere virtual guarantee. In the case of a direct and absolute guarantee this House necessarily exercises a control over the transaction. The matter must be brought before this House before such an engagement on the part of the Crown can be accomplished. But in the case of a virtual guarantee like the present, where the Crown has not formally guaranteed the interest of the creditor, but has placed itself in a position which makes it the holder of the resources to which the creditor is entitled, in that case the House of Commons exercises no control whatever. The obvious answer to any objection is that there is no guarantee, and why, then, should the House exercise a control? But I put this case to the House—suppose the interest is not paid on the Morocco loan, do not you think the House of Commons will hear of it? Do not you think the hon. Member for the City (Mr. W. Wood) who has described with so much unction the policy of Her Majesty's Government with regard to the loan, would then come down to the House and say, on the part of his constituents, that they would not have accepted the engagement if there had not been a moral conviction that the honour and credit of the Government of England were concerned. Then there would be associations organized to obtain justice. People in the country who lent their money on the faith of a convention now publicly referred to in the Speech of the Royal Commissioners would complain that they had been misled by the interference of the Crown. They will say that they have a moral claim on the liberality of the country; and I put it to the House whether under these circumstances a Chancellor of the Exchequer may not consider himself fortunate if he can defeat such a movement. Therefore, I say, so far as the character of the transaction is concerned, if political circumstances have been of so grave a character that all financial considerations must yield to them, it would have been better to have had an absolute legal and formal guarantee than to have involved the Crown and the country in a transaction which, I cannot help thinking, if adverse circumstances prevent dividends forthcoming at the necessary time, will involve the Government of this country in considerable difficulty, accompanied, probably, by considerable loss.

Mr. Disraeli

There are many other topics in the Speech which are not undeserving of attention, but I confess that I am not myself inclined on this night to enter into minute criticism or controversy on these matters. No person can be insensible to the fact that the House meets to-night under circumstances very much changed from those which have attended our assembling for many years. Of late years, indeed for more than twenty years past, whatever may have been our personal rivalries, and whatever our party strife, there was at least one sentiment in which we all coincided, and that was a sentiment of admiring gratitude to that Throne whose wisdom and whose goodness had so often softened the acerbities of our free public life, and had at all times so majestically represented the matured intelligence of an enlightened people. Sir, all that is changed. He is gone who was "the comfort and support" of that Throne.

It has been said that there is nothing which England so much appreciates as the fulfilment of duty. The Prince whom we have lost, not only was eminent for the fulfilment of duty, but it was the fulfilment of the highest duty under the most difficult circumstances. Prince Albert was the Consort of his Sovereign—he was the father of one who might be his Sovereign—he was the Prime Councillor of a realm the political constitution of which did not even recognise his political existence. Yet under these circumstances, so difficult and so delicate, he elevated even the Throne by the dignity and purity of his domestic life. He framed and partly accomplished a scheme of education for the heir of England which proved how completely its august projector had contemplated the office of an English King. In the affairs of State, while his serene spirit and his elevated position bore him above all the possible bias of our party life, he showed on every occasion all the resources, all the prudence, and all the sagacity of an experienced and responsible statesman.

Sir, I have presumed to touch upon three instances in which there was on the part of Prince Albert a fulfilment of duty—duty of the highest character under circumstances of the greatest difficulty. I will venture to touch upon another point in his character equally distinguished by fulfilment of duty, but in which the duty was not only fulfilled, but was created. Although when he was adopted by this

country he was, after all, but a youth of tender years, such was the character of his mind—at once observing and contemplative—that in due season he discovered that notwithstanding all those great achievements which long centuries of internal concord and public liberty had permitted the energy and enterprise of Englishmen to achieve, there was still a great deficiency in our national character, which, if neglected, might lead to the impairing not only of our social happiness, but even of the sources of our public wealth. That was a deficiency of culture. But he was not satisfied with detecting a want; he resolved to supply it. His plans were deeply laid; they were maturely prepared; and, notwithstanding the obstacles which he inevitably encountered, I am prepared to say they were eminently successful. What might have been his lot had his term completed that which is ordained as the average life of man, it might be presumption to predict. Perhaps, he would have impressed upon his age not only his character but his name. But this, at least, posterity must admit, that he heightened the intellectual and moral standard of this country; that he extended and expanded the sympathies of classes; and that he most beneficially and intimately adapted to the productive powers of England the inexhaustible resources of science and art.

Sir, it is sometimes deplored by those who admired and loved him, that he was thwarted occasionally in his undertakings, and that he was not duly appreciated. But these are not circumstances for regret, but for congratulation. They prove the leading and original mind which has so long and so advantageously laboured for this country. Had he not encountered these obstacles, had he not been subject to this occasional distrust and misconception, it would only have shown that he was a man of ordinary mould and temper. Those who improve must change, those who change must necessarily disturb and alarm men's prejudices. What he had to encounter was only a demonstration that he was a man superior to his age, and therefore admirably adapted for the work of progress.

There is one other point, and one only, on which I will presume for a moment to dwell, and it is not for the sake of you, Sir, or those who now hear me, or of the generation to which we belong, but it is that those who come after us may not

misunderstand the nature of this illustrious man. Prince Albert was not a mere patron ; he was not one of those who by their gold or by their smiles reward excellence or stimulate exertion. His contributions to the cause of State were far more powerful and far more precious. He gave to it his thought, his time, his toil; he gave to it his life. On both sides and in all parts of the House I see many Gentlemen who occasionally have acted with the Prince at those Council Boards where they conferred and consulted upon the great undertakings with which he was connected. I ask them, without fear of a denial, whether he was not the leading spirit, whether his was not the mind which foresaw the difficulty, his not the resources that supplied the remedy ; whether his was not the courage which sustained them under apparently overpowering difficulties ; whether every one who worked with him did not feel that he was the real originator of those plans of improvement which they assisted in carrying into effect.

But what avail these words ? This House to-night has been asked to condole with the Crown upon this great calamity. No easy office. To condole, in general, is the office of those who, without the pale of sorrow, still feel for the sorrowing. But in this instance the country is as heart-stricken as its Queen. Yet in the mutual sensibility of a Sovereign and a people there is something ennobling—something which elevates the spirit beyond the level of mere earthly sorrow. The counties, the cities, and the corporations of the realm—those illustrious associations of learning and science and art and skill of which he was the brightest ornament and the inspiring spirit, have bowed before the Throne. It does not become the Parliament of the country to be silent. The expression of our feelings may be late, but even in that lateness may be observed some propriety. To-night the two Houses sanction the expression of the public sorrow, and ratify, as it were, the record of a nation's woe.

VISCOUNT PALMERSTON: Sir, I rejoice, and I think the country will rejoice, that the Address which has been so ably moved and seconded by my hon. Friends behind me will this night be unanimously adopted by the House, without any proposal which at all interferes with the general sense which the House entertains of the topics to which it relates. The right hon. Gentleman, however, who has just

sat down has made some observations, not to take notice of which would ill become the Members of the Government. The right hon. Gentleman has expressed his approval of the course which we took in regard to the unfortunate difference between this Government and the Government of the United States upon the affair of the *Trent*. I am bound to say—and I think the country and this House will agree—that the communication which was made by my noble Friend at the head of the Foreign Office was a combination of the utmost courtesy and consideration on the one hand, with firmness and decision on the other ; and that, with respect to those measures which we deemed necessary to provide for any turn which that affair might possibly take, my noble Friend at the head of the Admiralty, my right hon. Friend at the head of the War Department, and my noble Friend at the head of the Colonial Office showed a promptitude, a vigour, and a judgment to which, I think, we may in a great degree ascribe the fortunate termination of the difference. We should not have been justified in anticipating, as a matter of course, a favourable termination to that question, because we knew that angry passions had been let loose in America which might be too strong for the Government and might overbear them in the course which they must have been desirous of pursuing. Therefore, the measures which we took were those which prudence prescribed, and while, on the one hand, they were equal to the occasion, I think, on the other, they cannot be deemed greater than the occasion required. The right hon. Gentleman has expressed his approval of the course which the Government has taken from the commencement of those unhappy disputes in America, in preserving strict neutrality between the contending parties. That position of strict neutrality we have, as he has very handsomely admitted, sincerely and rigidly observed, and from that position of strict neutrality it is not our intention to depart. We regret, no doubt, the calamities which that war is bringing upon the population of the United States ; we lament the pressure which incidentally that war has produced upon the commercial and manufacturing interests of this country ; but we do not think that that is a sufficient reason why we should depart from a course which a sense of prudence and a sense, I may say, of national honour, have imposed on us, or why we should

interfere in a quarrel with which originally we had nothing to do.

The right hon. Gentleman adverted in the next place to that part of the Speech which relates to the expedition to Mexico. Sir, the convention between England, France, and Spain has been laid upon the table. That convention will speak for itself, and it will show that we are not parties to any undertaking to interfere in the internal arrangements of the Mexican Government, and that we confine our operations to obtaining redress for wrongs and injuries sustained. The convention stipulates that the operations of the allies for the purpose of obtaining redress are not to be perverted into any interference with the object of dictating to the people of Mexico any particular form of Government which they may not be willing to accept. Undoubtedly reports have been spread that there are persons in Mexico who wish to convert their republican form of Government into a Monarchy. I am unable to judge how far those reports are well grounded, or how far there is any party in Mexico of sufficient strength and numbers to give effect to such wishes. But what Her Majesty's Government desire is, that there shall be established some form of Government in Mexico with which foreign nations may treat—some form of Government which will do justice to foreigners and enable commerce to be carried on with safety—some form of Government with which relations of peace and amity may be maintained with confidence in their continuance. That is the utmost which the Government of Great Britain is desirous of obtaining, and I am sure that must be the wish of Gentlemen on both sides of the House.

With regard to the convention concluded with the Sultan of Morocco, the right hon. Gentleman says, I believe that he would prefer a positive and direct guarantee, rendering this country liable to pay interest if the Sultan should not himself discharge it, rather than the indirect security which the convention establishes. I wish the House to pause until they see the convention. They will find that the engagement established between the Sultan and the British Government is simply this—that the Sultan agrees that certain persons shall be appointed to receive the Customs' revenues at certain ports of his territories for the purpose of discharging the interest and sinking fund of the loan; and I cannot think that there is any dan-

ger whatever that this country will be involved in any pecuniary responsibility arising out of that convention. Everybody who turns his attention to our relations with the Mediterranean must admit that it is a great object of British policy to maintain the independence of Morocco. There is a treaty between Spain and Morocco, by which Morocco is bound to make certain payments within certain specified periods, upon condition of which the town of Tetuan is to be evacuated. It is quite clear that it is important to avoid the contingencies which may arise if the Sultan of Morocco should be unable to fulfil those engagements. The consequence would be that Tetuan would not be evacuated, that Spain would have just cause of quarrel with Morocco, that the war might be renewed, and that disasters might befall the State of Morocco. I trust and believe that when the treaties and the papers connected with them, which are now on the table, shall have been read, the House will be disposed to think that the course pursued by Her Majesty's Government has been such as is most consistent with the interests of this country.

The last topic to which the right hon. Gentleman adverted is one, undoubtedly, upon which there cannot be a dissentient voice in this House. I do not think the right hon. Gentleman started the question—but I have heard the question started, whether it was right in Her Majesty's Government to follow, upon this occasion, the several precedents in the later periods of the last century, or whether it was better to have a separate address as in the case of Prince George of Denmark. But hon. Gentlemen who look back to that precedent will see that there was no announcement by the Crown as to the death of Prince George of Denmark. It was impossible to follow that precedent on the present occasion. We, therefore, followed the precedents in the cases of the Princess Charlotte and of Queen Caroline, where there was an announcement in the Speech from the Throne, and condolence was embodied in the Address from the House. It is hardly possible for anybody to exaggerate the loss which the Queen and country have sustained in the death of his Royal Highness the Prince Consort. The right hon. Gentleman, with eloquence and feeling which I am sure must have excited the sympathy and admiration of those who heard him, dilated upon the eminent qualities possessed by the late Prince Albert.

It is no exaggeration to say, that as far as the word "perfect" can be applied to human imperfection, the character of the late Prince deserved the term, because he combined qualities of the most eminent and in some respects of the most different description in a degree which was hardly ever equalled by any one in any condition of life. The talents of the Prince have been expatiated upon by the right hon. Gentleman opposite. Those who had the good fortune to hold intercourse with him, and to converse with him on any subject, however serious or however trifling, could hardly fail to feel that they were in the presence of a master mind. I venture to say that no man ever came into such contact with His Royal Highness without carrying away some new idea, or some fresh view even of matters with which he thought himself already well acquainted. The position which the Prince occupied was one of considerable difficulty—one which it required the greatest judgment and the most consummate tact to fill with that universal approbation with which his course was attended. His aim was not to take too prominent a part in political affairs, but to contribute, as far as the resources of his mind and his commanding rank enabled him, to the improvement of the nation in every branch of intellectual and industrial effort. How fully he accomplished that object everybody is well aware. His domestic life was most exemplary, and it is no exaggeration to say that the domestic life of the British Court has been of the greatest value to the interests of the country. In times of difficulty it has tended to strengthen that link which binds the people to the Throne, and has, in many ways, rendered the most important services to the nation. Such being the Prince whose loss we have to deplore, we can easily imagine what must be the grief and desolation of her from whose side he has been taken. It is becoming in the House to tender to Her Majesty its sincere and cordial condolence upon the irreparable loss which has befallen her; and when we reflect that there was hardly any hour of the day when those two minds did not consult and communicate with each other, we may conceive what must be the bereavement which our Sovereign has sustained by this lamentable event. The condition of the Sovereign is, in one respect, different under such circumstances from that of any other person in the nation. In private

Viscount Palmerston

life persons are surrounded by relations and friends, with whom they have formed habits of intimacy, and who, when a great misfortune arrives, tend to soothe and in some measure to alleviate their anguish. But the high and exalted position of the Sovereign debars her from that society in which she might find support and consolation at such a time, and now that she has been deprived of her beloved Consort by the stroke of Providence, she is left in a solitude of grief which could hardly befall any other person in the realm. I am sure that the House will feel that in agreeing to this Address, and especially to that portion of it which relates to the loss of the late Prince Consort, it is understating those feelings which every man must cherish in his breast, and I am equally sure, that although the Address goes as far as the language of Parliament will permit, every one will regret that it is not possible, according to the forms of the House, to convey even a stronger expression of sympathy and sorrow.

Mr. HADFIELD said, that the expressed and decided opinion of the noble Lord in reference to neutrality with America would give the greatest satisfaction to the country, and he hoped the House would endorse the noble Lord's sentiments to the fullest extent. He could not help expressing his opinion that they were deeply indebted to the noble Earl at the head of the Foreign Office for the manner in which he had conducted the proceedings, for the temper which he had shown, and for the courteous way in which he had put the difficult question before the Government of the United States for their consideration. It was a most unfortunate thing that the public press on both sides of the Atlantic should act in a manner which almost showed that the conductors of it were resolved to bring two great and generous countries into collision in order that they might sell a few newspapers. The conduct of a considerable portion of the press here and in America was perfectly discreditable to the two countries which they professed to represent. He should be gratified if a law were passed which should give power to the Government to have the articles in those villanous prints burned by the common hangman. The general feeling in the United States was friendly towards England; and the reception in America, little more than twelve months ago, of the heir apparent to the throne should convince

them of that fact. He rejoiced, therefore, that the unfortunate differences between the two countries were at an end, and felt that the dignified and pacific course adopted by this country towards America was deserving of approbation. He felt sure that if America were left to herself the disasters which at present afflicted her would work their own cure.

MR. MAGUIRE said, it was not his intention to disturb the feeling of unanimity that appeared to pervade the House, or touch upon any subject on which a contest could arise; but he felt it to be his duty, as the representative of an Irish constituency, and intimately connected with a large and populous city in the south of Ireland, to say a few words respecting the real condition of the country. It was stated in the address—

“That temporary causes have produced considerable pressure and privation, but Her Majesty has reason to believe that the general condition of the country is sound and satisfactory.”

If it were intended that that paragraph should refer to Ireland, he must say that the condition of Ireland was not sound, and, unfortunately, was not satisfactory. There was great distress as well as great misery at that moment in Ireland, but it seemed to be the policy of the Irish Government to ignore that distress, and to turn a deaf ear to any appeal on behalf of that misery. It was said there was no real distress in Ireland that should demand the interposition of the Government, or of Parliament; but the idea was most erroneous, and if it were persisted in on the part of the Government and of Parliament it would tend to the most fatal results. It was very well for English gentlemen to speak of the condition of their country as sound or satisfactory. Though distress prevailed in manufacturing districts in England, that country had been blessed with a bountiful harvest; but that great blessing, though vouchsafed to England, had been denied to Ireland. The harvest of Ireland had been a lamentable failure, and the result was an almost total paralysis of trade; there was an entire lack of employment, and the most intense misery had fallen upon the great masses of the people, both in the towns and in the rural districts. The oat crop was almost an entire failure; the wheat crop was also bad; the potato crop was never worse since the years known by the awful name of the famine years; the hay crop was almost a failure; in many districts of the

country it was unfit for the use of cattle, and was converted into manure. In many cities and towns in Ireland, there was an almost total want of employment, and the policy of the banks in Ireland was very far from being liberal and accommodating. The consequence was that traders were greatly embarrassed in their business, mechanics were left out of employment, and the labouring population were dependent either upon the resources of the poor law, or upon the charity of the liberal and benevolent. He was anxious to call the attention of the right hon. Secretary for Ireland (Sir Robert Peel) to the condition of that country. He believed that the right hon. Baronet was actuated by the best and kindest motives, but he was liable to go wrong, because he was a man of quick impulse, and possessed that kind of firmness which induced a man to persevere in error. Indeed, the right hon. Baronet had himself led the people of this country to believe that the condition of Ireland was not such as to require the interposition of Government and of Parliament; and no later than two nights before, the Lord Lieutenant of Ireland, also a most humane man, had stated, at a banquet given by the Lord Mayor of Dublin, that there was nothing in the condition of the country that required remark. He (Mr. Maguire) confessed that he was shocked when he heard those cold words from the viceregal lips, and many men around him felt a sense of shame at witnessing the indifferent manner in which the miseries of the country were treated. The advisers of the right hon. Baronet and of the Earl of Carlisle were not those who had the keenest sympathy for the wants of the Irish people. Had the right hon. Baronet gone abroad and seen things for himself, instead of making that hurried tour of 300 miles in three days, taking with him the Irish Fouché to be both his spectacles and his counsellor, it would have been much better for the honour of this country and for the interests of Ireland. No later than that day week a deputation consisting of leading inhabitants of the town of Kanturk, in the Eastern Riding of the county of Cork—a town remarkable some time ago for belonging to the richest district in that part of the country—waited on the Board of Guardians to ask for advice, and make an appeal. The rev. gentleman who headed the deputation, stated that the population of the town of Kanturk amounted

to 2,200 odd, and as some of the persons he addressed were members of the Kanturk Relief Committee, they must be aware of the appalling destitution that prevailed in the town. He found, he said, that considerably more than 1,000 persons were deemed by that body to be fit objects for assistance. It was also stated that masses of labourers were trying to eke out a miserable existence on one meal a day, consisting of turnips and Indian meal. He (Mr. Maguire) asserted that the condition of Kanturk was the condition of many towns in the southern counties. Great alarm was felt for what might be the condition of the people in the next few months; but he did not ask for alms from the people of England or from the Parliament of England; but he did ask for some better measures from the Government than a Fair and Markets Bill or a Poor Law Amendment Bill. He asked the Government to adopt the policy enunciated by Lord George Bentinck for recommending which his name was coupled with blessings and gratitude by the people of Ireland. He, indeed, suggested a noble plan that would have developed the resources of Ireland without burdening the resources of England. There were many railway projects in Ireland that Government might encourage, and there should be laid upon the table of the House a Bill enabling the Government to give immediate assistance to those projects which, owing to the difficulties of the present moment, would, otherwise, languish and fall to the ground. In the western portion of the county of Cork two great projects were undertaken, one of them a railway of imperial importance, and it was impossible to ask the shareholders to pay calls under the present circumstances. It was from hand to mouth with many of them, and happy was the man whose hand could feed his mouth. He asked the Government to give loans to those railways, and let the amount of such loans be the first liens on them. He told the Government that if they wished to have the affection of the Irish people, and to act humanely and in time, they ought to bring forward some liberal measure which, without exciting jealousy in England, would afford prompt and immediate assistance to the people of Ireland by giving them the means of employment, and of supporting themselves without the degradation and calamity of applying for poor-law relief. He might be told that the workhouses of

Ireland were not full, but this was no proof that great and general distress did not prevail, for there was so much pride, even in the humblest of the people of Ireland, that they would rather die by the wayside than accept the shame and degradation of poor-law relief. The fact, however, was that in the workhouse of Cork there were now 1,000 more inmates than there were two years ago, and that the guardians were at their wits' end to know how to meet the increasing demands upon them.

SIR ROBERT PEEL: Sir, one of the allegations contained in the speech of the hon. Member who has just resumed his seat was that I, in my capacity of Chief Secretary for Ireland, have led the people of England to believe that there is no distress in the sister country. Sir, until the hon. Gentleman rose I had hoped that on this, the first night of the Session, hon. Members might have confined their remarks to the contents of Her Majesty's Speech, and not have entered into subjects such as those to which he has alluded. I must say that after listening to the remarks of the hon. Gentleman, I am, from my personal knowledge and conviction, inclined to believe that the great majority of the people of Ireland, who very well know what the real state of the case is, will be disposed to agree with me, that we must not attach more weight than they deserve to his observations. I, for one, should be inclined to state that he has gone further, and said more than the justice of the case required. When the hon. Gentleman alluded to what he called the famine in Ireland, painting and delineating most hideous suffering, and stating that the people of Cork, though starving, would not go into the workhouse, I listened to his remarks with attention, but I was amazed at the inaccuracies into which he fell. I have no doubt the hon. Gentleman spoke with a firm conviction of the truth of his statements. I should wish to be the very last man in the House who would question the honesty of purpose of the hon. Gentleman. I believe that his mind is not closed to conviction, and, were there now an opportunity, that he would accept the facts which I could adduce in complete refutation of the statements he has made. Now, I do not for one moment deny that during the last few months there has been very considerable distress in Ireland. I admit that the potato crop has failed; that it is watery, that the root itself is

Mr. Maguire

small, and that, in fact, there is a potato blight. I will not admit to the hon. Gentleman that the oat crop has failed; apart from the potato, the crops have been tolerably satisfactory. [Mr. MAGUIRE: "No, no!"] At all events, it is certain that there is a superabundance of breadstuffs in all parts of Ireland, and I am told on competent authority that there are funds and money adequate for the purpose of purchasing food. I admit that, to a great extent, the fuel has also failed. But while I state that there has been a failure of the potato, of other food perhaps, and partially also of fuel, I cannot let pass the opportunity of paying my most willing testimony to the fact that wherever want has existed the true spirit of Christian charity has been shown by the landed proprietors, particularly in the remote districts of the West. Nothing has been more striking than the readiness with which they have come forward—striking, I mean, in comparison with former times. My hon. Friend the Member for Galway (Mr. Gregory) was one of the first to most generously throw open a portion of his property for the purpose of affording fuel to the people of Galway. I have watched and admired—and so have other Members of the Irish Government—the manner in which the landed proprietors have relieved the wants of the suffering classes; they have done so with a perseverance and liberality which is worthy of the most public acknowledgment. The hon. Gentleman has referred to statements made by the Lord Lieutenant of Ireland, and also by myself, as tending to mislead the country. Of course I cannot venture to enter into details, but we have received from almost all parts of Ireland petitions setting forth the extreme destitution of those localities; but, on the other hand, we have received in almost every case a contrary statement, declaring that the cry of famine has been exaggerated, that there are abundance of breadstuffs for the relief of the people, and that the contrary statements made in each instance to the Government were in reality without foundation. The hon. Gentleman says the workhouses of Ireland are not full because the people will not go into them; but that in the county and city of Cork there is no room whatever in the workhouses. Now, I admit that in the city of Cork, and also in the city of Limerick, the workhouses are nearly full, and that there may be applicants whom, unfortunately, it is not possible to accommo-

date within the walls of those buildings. But these are the only two places in Ireland where the workhouses can be said to be in any degree filled. The extent of workhouse accommodation in Ireland would suffice for the reception of 149,000 inmates, whereas there are not at this moment in Ireland more than 59,000 or 60,000 in receipt of relief. Doubtless this is very lamentable, but compare the condition of the two countries. On the 31st of December, 1861, there were 899,000 persons in the receipt of relief, outdoor and indoor, in England; while at the same date, there were in Ireland only 59,000 receiving outdoor and indoor relief. That is to say, in Ireland, with a population amounting to not more than 5,500,000, about 1 per cent of the population was in receipt of relief under the workhouse system, while the proportion relieved in England and Wales, where there is a population of over 20,000,000, amounted to 4½ per cent. The state of Ireland, therefore, when compared with England and Wales, is not so very serious, though it certainly may be a subject of regret. The hon. Gentleman has really over-stated his case. He says that I have endeavoured to lead people in this country to believe that famine does not exist in Ireland. On former occasions he and others raised the cry of famine.

Mr. MAGUIRE: I beg the right hon. Gentleman's pardon. I did not use the word "famine"; I said great distress, misery, and destitution.

SIR ROBERT PEELE: I will adopt the hon. Gentleman's words. I say that on former occasions attempts were made to excite sympathy by saying that "great distress, misery, and destitution" prevailed in Ireland. Those attempts succeeded; but on this occasion the persons endeavouring to propagate that opinion have signally failed. The real truth is that the people in Ireland have not taken up the cry. They do not believe in the reports of distress which are spread abroad; and I know of my own knowledge that nothing has been more distasteful to the people of Ireland than to have—as they have had within the last few months—their alleged grievances and imaginary wants placarded and paraded over Europe. Why, the House will hardly credit it when I tell them that the begging-box has been sent round through France and America, though, as regards the result, I believe it has been very much like the victories of the Federal army, which are very much talked of, but

are very little seen. I never heard that the proceeds of any collections from America had arrived in Ireland; but, let me tell hon. Gentlemen who are getting up this cry of famine in Ireland, they really do not understand that the people of Ireland in the year 1861-2 are no longer the same as they were in 1846-7. That is their great mistake. The hon. Gentleman has sneered at what he calls my tour in Ireland, "300 miles in three days." Now, that is not the truth.

MR. MAGUIRE said, I rise to order. Does the right hon. gentleman mean to say that I stated what is not true? My statement was based on a speech made by the right hon. gentleman himself.

SIR ROBERT PEEL: Of course I did not mean to impute any improper motives to the hon. gentleman, but he certainly said that I had travelled 300 miles in three days.

MR. MAGUIRE: You boasted of it.

SIR ROBERT PEEL: I am quite certain that the time I took in visiting the most distressed districts was more than three days. But this I will tell the hon. Gentleman—that the people of Ireland are no longer what they were. And, although they may be very poor-looking, and perhaps, badly clad, sure I am that the peasants of Ireland have independent and sensitively-organized minds, and that they are just as capable of, and suitable for, moral and social improvement as the most favoured people on the face of the earth. But there is the mistake which the hon. Gentleman makes. The people of Ireland are beginning to think for themselves; they are beginning to have that just and legitimate confidence that they ought to have in the honesty, integrity, and energy of their landlords. In those few days that I travelled through Ireland, I had an opportunity of seeing how well the great properties in that country are managed, and the efforts which are being made to advance the prosperity of Ireland. Properties such as that of the Marquess of Downshire came under my observation, that of Earl Fitzwilliam, of the Earl of Bessborough, of the Earl of Lucan—particularly of Mr. Allen Pollock, of Mr. Pike, of Viscount Palmerston, and many others, whose energy, determination, and example have, I will say, regenerated Ireland from the condition in which she was before. The hon. Gentleman alluded to the state of things existing at Kanturk. I am sorry to say that in parts of Ireland in which famine is complained of—in parts

of Skibbereen, of Skull, and also of the extensive Roman Catholic district of Tuam—attempts, which I will not characterize, have been made to set the people against their landlords, to make them feel that their landlords are not disposed to do their duty by them, and that they ought not to put confidence in them. Every attempt to excite the people has been made, happily without effect. The state of Ireland, as regards the paucity of offences, was never more satisfactory, and I do not suppose that in the history of the country the relations between landlord and tenant were ever more harmonious. I am happy to say that the relations now existing between landlord and tenant in Ireland are happily free from those bloodstained records of crime which have marked some portions of the past history of that country; and that is a satisfactory result to refer to, even supposing that the misery or famine to which the hon. Gentleman alludes really exists. I admit that there have been times of great visitation in Ireland. The years 1817, 1822, 1827, and 1839, were periods of great misery. Even as late as 1846 there were parts of Ireland in such distress that some wretched victim to disease was to be found in almost every cabin. But in 1861 the case was different. I recollect that in September of last year it was predicted that hundreds of lives would perish, as in 1846, but I can assert—whatever may be the state of Cork and of some parts of the west—that not a single death has occurred since that prediction which can be attributed to absolute want of food. I will not go into the subject at any greater length, but I must say that a merciful Providence has watched over Ireland and warded off those sufferings and miseries which some people would have led us to anticipate. The spring is approaching, and with its genial influences the exigencies of the moment will, to a great extent, have passed; and we may expect that the existing state of things will have considerably improved. I speak in no cold or heartless spirit, such as that which the hon. Gentleman alludes to, when I say that, looking back at the last few months, the industrious and honest poor of Ireland will have learnt a lesson most useful to them for the future. They will have learnt a lesson of self-reliance and of confidence in those among whom they are placed which will tend to eradicate that undue dependence on extraneous aid which can only produce demoralizing and prejudicial effects.

Sir Robert Peel

MR. VINCENT SCULLY said, that he had not intended to address the House, and he should not have done so only he deemed it necessary to correct some of the statements of the right hon. Baronet the Chief Secretary. Some of those statements were altogether novel. He (Mr. Vincent Scully) must say that he had not heard of any meeting held in Skull or Skibbereen to set the people against their landlords. He did not think that the hon. Member for Dungarvan had overstated the facts; but if he had, the Chief Secretary had equally understated them. If there had been overstatements on one side as to the distress, there had been understatement on the other. The right hon. Baronet the Secretary for Ireland had charged the hon. Member with travelling out of the Queen's Speech; but he (Mr. Maguire) was not open to that charge; for there was a paragraph in the Royal Speech alluding to the distress which existed in some portions of Her Majesty's dominions, though that paragraph was not supposed to refer to Ireland. There could be no doubt that there was a deficient harvest in Ireland last year. Potatoes had failed, wheat had failed, and oats were a partial failure. Fuel—turf, had also failed through the extreme wetness of the season. The right hon. Baronet said that there was a great deal of food in Ireland. There was a great deal of foreign, but not of home food there. The right hon. Baronet had also said that from no place had he got a statement of distress without receiving a counter statement. He should like to ask the right hon. Baronet whether he had received any counter statement from Skull or Skibbereen. He might, perhaps, have received such statements from persons who had corn to sell, and who were anxious that the Government should not send any relief into their districts. He was no faminemonger, but he believed in the existence of great distress in some parts of Cork, for he had received applications from them for subscriptions, and no similar applications had been hitherto made to him during the ten years he had represented that county. The right hon. Gentleman had spoken about the begging-box being sent round; but the applications which he had heard made to the Government were for the construction of a railway, and for the speedy carrying out of public works in the Department of the Ordnance. He gave the late Chief Secretary for Ireland a good character when the right hon. Gentleman was leaving office. He stated

that he had every qualification for the office, but a little knowledge of the country he had been sent to govern. The present Chief Secretary possessed that deficiency in a more eminent degree, for he had had less time to obtain an acquaintance with Ireland. It was said that *Cæsar venit in Galliam summâ diligentia*. The right hon. Gentleman (Sir R. Peel) had not visited Ireland on the top of a diligence, but he had gone through portions of it on a low-backed car. The right hon. Gentleman found the country a peaceable one; but he had been doing his best to get up a little disturbance. He thought Ireland rather phlegmatic, and was endeavouring to introduce a little English excitement. He regretted to be obliged to say that there was at this moment great distress in Ireland. The dairy and sheep farmers never had a better year, and their rents were never better paid, but the small tillage farmers even in the famine year were scarcely worse off. He trusted that the right hon. Baronet would keep his mind open to conviction, and that he would not feel that he was compelled in honour to prove the proposition with which he had started—namely, that there was no distress in the country; for he (Mr. Scully) believed that the statement of the right hon. Gentleman would turn out to be egregiously wrong, and that in the months of March and April, instead of the distress having diminished or disappeared altogether, it would have increased. He hoped, therefore, the right hon. Gentleman would apply himself to relieve that distress. He saw with pleasure the announcement in the Royal Speech of a measure for simplifying the transfer of land. If the Government could carry an honest, *bonâ fide*, and working measure of this kind, it would be the greatest improvement effected in Ireland during his remembrance. Such a measure had been brought in by the Government of the Earl of Derby, and in voting that Government out of office his chief reluctance had arisen from an apprehension that the incoming Government would not bring in an equally good measure of the same kind. He trusted that the Government would endeavour to do something to reduce the enormous legal expenses to which suitors in the courts of law were subject, and which caused a scandal both in England and Ireland. He had no hesitation in asserting, after some considerable experience, that nine out of ten successful suitors were losers by the legal costs of the exist-

ing system. A legal friend of his, who was in the habit of spending his summers in Denmark, told him that a similar evil formerly existed in that country, but it had been eradicated about twenty years ago by the establishment, not of Courts of Arbitration, but Courts of Reconciliation. No one, he was told, could bring a person before any of the courts of Denmark without first going in private with his adversary before a judge, who heard the statements of both parties. The party was not bound to be reconciled, but until he had obtained a certificate that the dispute could not be settled he was not allowed to go to law. In this country the litigants were kept asunder, and that was the great evil. Now, the result of the system that was in force in Denmark was that, on an average, in six cases out of every seven the parties were reconciled; and the only objection that had ever been urged against that system was that six out of every seven of the professional gentlemen there were in comparatively unproductive positions.

Motion agreed to.

Committee appointed,

To draw up an Address to be presented to Her Majesty upon the said Resolution:—Mr. PORTMAN, Mr. WESTERN WOOD, Viscount PALMERSTON, Mr. CHANCELLOR of the EXCHEQUER, Sir GEORGE GREY, Sir GEORGE LEWIS, Sir CHARLES WOOD, Mr. MILNER GIBSON, Mr. CARDWELL, Mr. VILLIERS, Mr. ATTORNEY GENERAL, Sir ROBERT PEEL, The LORD ADVOCATE, Mr. PEEL, and Mr. MASSEY, or any Five of them:—To withdraw immediately.

Lords Commissioners' Speech referred.

House adjourned at a Quarter before Eight o'clock.

HOUSE OF LORDS,

Friday, February 7, 1862.

MINUTES]—PUBLIC BILL.—1st Gardens in Towns Protection.

DEBATE ON THE ADDRESS.

EXPLANATION.

THE EARL OF DERBY said, he was not much in the habit of occupying the time of their Lordships with matters personal to himself, or with making observations in reference to the reported speeches of himself, or other noble Lords in that House. He very seldom read reports of his own

Mr. Vincent Scully

speeches, or of other speeches which he had the privilege of hearing. But he happened to look at the report in *The Times* newspaper of what he said yesterday, and there was one point to which he could not help adverting. The report altogether was not so accurate as the reports in that paper generally were; but he did not allude to the point on account of inaccuracy, but, because the paper had attributed to him just the opposite of what he uttered. With regard to the recognition of the Southern Confederacy, he was reported to have said that the time had nearly arrived when the British Government should be called on to recognise the successful revolt of the Confederate States. Now, what he did say was, that in his judgment the time had not yet arrived when Her Majesty's Government was called on to recognise the independence of the Southern States; and he added that although the practice of the British Government was to recognise any *de facto* Government that had succeeded in establishing itself; yet he did not think the resistance of the Southern States had been so complete and so successful as to justify the Government in recognising as independent a State which had not yet shown the power of vindicating and maintaining its own independence.

THE MEMORIAL TO THE LATE PRINCE CONSORT.—QUESTION.

THE EARL OF DERBY said, he would put a Question to the noble Earl opposite (Earl Granville) which, perhaps, he would prefer to answer on Monday—whether Her Majesty's Government, as a Government, had any intention of bringing forward any scheme, or offering any suggestion, as to the application of the very large sums of money subscribed for the memorial to his late Royal Highness the Prince Consort? At present the subscriptions were entirely of a private character. No decision had yet been come to—he did not know, in fact, who could come to a decision—as to what was to be done with the money subscribed. It already amounted to £27,000, and many had not yet subscribed—he himself being of the number—to the memorial, in consequence of being in doubt as to the mode to be adopted in the appropriation of the money. What he wished to know was, whether Her Majesty's Government, as a Government, intended to take any steps in regard to the

appropriation of the subscriptions, or to indicate in any public manner, the way in which, according to their opinion, such memorial might be instituted, so as to be most gratifying to the feelings of their Sovereign? He was sure that if the public had any notion of what would be most gratifying to Her Majesty the direction thus indicated would be universally followed. In the mean while it would be well to know whether the Government intended to take any part in the matter or to leave it in the hands of irresponsible persons? Perhaps his right hon. Friend would prefer to postpone an answer to the Question till Monday.

EARL GRANVILLE: It would be more agreeable to me to make a reply on Monday.

THE NEW MINUTE ON EDUCATION.

QUESTION.

THE EARL OF DERBY said, he wished to ask the noble Earl the President of the Council whether he had any objection to lay on the table the Minutes in their original form, side by side with the modifications and alterations? The original and the amended Minutes might be laid on the table on Thursday, and any discussion on them might be taken with more advantage on a future day, when their Lordships had had an opportunity of considering their effect.

EARL GRANVILLE intended on an early day to make a statement with regard to the Minutes themselves, and he would then explain what were the alterations contemplated. He had no objection to produce both the Minutes with the modifications in them.

IMPRISONMENT OF A BRITISH SUBJECT BY THE GOVERNMENT OF THE UNITED STATES.

QUESTION.

THE EARL OF CARNARVON said, he was anxious to ascertain the truth, or rather to obtain from the Secretary of State for Foreign Affairs a contradiction, of a story which had been in circulation during the last week or ten days. That story seemed to him to be so monstrous in the shape in which it reached this country that he was almost confident it must be full of exaggerations, but it would be very satisfactory to hear from Her Majesty's Government what ground there was for the story.

It was to this effect—that a Canadian gentleman, a British subject, whilst travelling on an American railway, was arrested by order of Mr. Seward, Secretary of State of the United States; that he was taken to the guard-house, stripped and searched, and subjected to the grossest indignities, on the pretence that he was implicated in some conspiracy with persons engaged in the war with the Confederate States. Nothing was found to criminate him or to inculpate him in the slightest degree; but he was taken to a prison at New York, where he was immured for several weeks, whilst typhus fever was raging in the prison, and carrying off its victims daily. There he was detained without being brought to trial—without, in fact, a charge being made against him. Communication was by some means opened with Lord Lyons, who represented his case to the United States Government, but without obtaining any redress. During that time he received several letters from the British Legation; but the seals were broken and the covers torn. The most extraordinary part of the matter, however, was, that at length, when he was offered his liberty, it was on the condition that he should forswear his own nationality and swear allegiance to the Northern States. He (the Earl of Carnarvon) could hardly believe that such a state of things was possible, but this was the story. It was said that this gentleman, with very great courage and constancy refused to accept any such conditions. He preferred, at the risk of his life and at great personal inconvenience, to remain in prison rather than accept such a discharge. He was, afterwards, removed to another prison; and after a time it was said that Lord Lyons having interposed he was offered his liberty on a condition only one degree less extraordinary than the former—namely, that he would not travel to the Southern States, nor hold any communication with the inhabitants. He refused this condition, and remained in prison from the 5th of October till the 6th of January, when he received an unconditional discharge. It was stated also that other British subjects had been subject to various restrictions, and had been treated in a manner which was in violation of international rights and privileges. He would not make any comments on this story, because he could not bring himself to believe that the facts were as they had been stated.

EARL RUSSELL said, it was true that

Mr. Shaver, a British subject, had been for many weeks confined in Fort Lafayette and in another American prison. On the 29th of October, this gentleman wrote to Lord Lyons, and stated that he was travelling on the Grand Trunk Railway of Canada, that on the arrival of the train at Detroit he was arrested and sent to prison, and that, though a British subject, he had been asked to take an oath of allegiance to the Government of the United States, which he had refused to do. Lord Lyons, upon receiving this letter, made a representation thereupon to Mr. Seward; who, on the 15th of November, wrote to say that he had at first supposed that Mr. Shaver was a United States' citizen; that it was in that belief that Mr. Shaver had been asked to take the oath of allegiance; but that, though compliance with this condition could not be expected from a British subject, he could give no order for the prisoner's release, as Mr. Shaver was accused of conveying arms to the Confederate States, and was, in fact, a spy employed by the Government of those States. Mr. Shaver was then asked to enter into other conditions, one of which was that he should not enter the Southern States during the rest of the war. But he would not agree to these conditions, and he was subsequently released. Their Lordships ought to understand that Mr. Seward assumed to himself the right to arrest any person within the United States, not, perhaps, at his own pleasure alone, but with the sanction of the President, no matter whether that person was an American citizen or a foreigner. It was contended, he believed, by the lawyers of the United States that at a time of emergency such a power was intrusted to the President. Her Majesty's Government had remonstrated with the Government of the United States upon the treatment to which Mr. Shaver had been subjected, and he had no objection to produce the correspondence which had passed upon the subject.

THE EARL OF CARNARVON said, he was sorry to find that facts, as he had stated them, and which at the time he could scarcely bring himself to credit, were really borne out by the statement of the noble Earl. Whatever might be the state of Government or the condition of society in the United States, the pretensions put forward by Mr. Seward in respect of British citizens seemed to override all the principles which regulated

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the intercourse of one friendly nation with another. Now, he thought not only that British subjects had a right to appeal to their own Government for protection, but that it was the duty of the Sovereign to afford such protection. Allegiance by the subject to the Crown, and protection from the Crown to the subject, were reciprocal duties. He should certainly move for this correspondence, because the matter was one which the House ought clearly to understand. Meanwhile, he hoped that when Her Majesty's Government had remonstrated on account of this extraordinary proceeding they had also asked for compensation to Mr. Shaver. That gentleman had been detained in prison for ten or twelve weeks, his life being thereby put in jeopardy, and yet not one single charge had been proved against him. The noble Earl then moved an Address for

"Copy of the Correspondence with Her Majesty's Government, on the Arrest, Imprisonment, and Ill-treatment of Mr. Shaver, a Canadian Subject, under Order of Mr. Seward."

Motion agreed to.

House adjourned at Half-past Five o'clock,
to Monday next, a Quarter
before Five o'clock.

HOUSE OF COMMONS,

Friday, February 7, 1862.

MINUTES.]—NEW WRITS ISSUED.—For Great Grimsby, *v.* Lord Worsley, now Earl of Yarborough.

PUBLIC BILLS.—1^o Qualification for Offices Abolition; Highways; Qualification for Offices Abolition; Whipping; Poor Relief (Ireland).

ADDRESS IN ANSWER TO THE LORDS COMMISSIONERS' SPEECH.—REPORT.

MR. PORTMAN *brought up* the Report on the Address in reply to the Lords Commissioners' Speech.

UNITED STATES.—BLOCKADE OF THE SOUTHERN STATES.

MR. GREGORY said, he had been unwilling on the preceding evening, on the occasion of the Address, to introduce any subject which could have given rise to a debate. But there was one topic which was on the lips of every one, and which

was uppermost in the minds of every person in this country, and that was the effects which the lamentable war in America had produced upon the industry of the United Kingdom. It was not his intention, however, at the present moment to enter into that subject; but there was one point connected with the war which he thought he or any other Member was fully justified in taking the earliest opportunity of inquiring into, and that was the condition of the blockade. He had taken upon himself this duty because last year he put three Questions to the Foreign Secretary, one of which had reference to this subject. He asked Earl Russell upon the 6th of May whether the Government of the United States had been informed that the blockade of any part of the Southern Confederate States, unless effective, would not be recognised? The reply of the noble Earl on that occasion was, that he had not felt it necessary to give any instructions to our Minister on that subject; that it was well known to Lord Lyons, and had been declared law by the United States, that no blockade could be recognised or deemed valid unless it were an effective blockade; and he (Earl Russell) had no doubt there would be no difference between Her Majesty's Government and the Government of the United States upon that point. Now, a document had been placed in his (Mr. Gregory's) hands within the last few days, which gave him reason to believe that more than a doubt existed as to whether this blockade was effective. He believed he should be in a position to show that in a great measure this blockade could only be considered as a paper blockade; but he had no wish now to forestall the discussion which must arise on the papers which he understood would be laid before the House. He only brought forward the question on this occasion in order to say that he should most unquestionably take some early opportunity of bringing the whole question of the effectiveness of the blockade before the House; because, if the figures which he should be prepared to quote were acknowledged to be true, then he thought the House of Commons would pronounce that the blockade was not effective. On the other hand, if these figures were disputed, it would rest with the Government to pronounce whether they considered the blockade to be effective or not. He thought that while they ought to look upon all these matters in a conciliatory spirit as regarded the United States, while he should

be the last person to advocate any act of hostility or severity towards that country—still, as this country had acknowledged there were two belligerent parties, he thought that in justice to both, and also in justice to the suffering manufacturing population of this country, that House could not take too early an opportunity of discussing this subject, and of ascertaining, both for their satisfaction and our own, whether the blockade really was or was not effective.

ADMIRAL WALCOTT: Sir, the few observations which I have to offer will be made in my capacity of a naval officer. While I thoroughly, heart and spirit, sympathize with the outburst of patriotic feeling which attended the removal of the Southern Commissioners from the sanctuary of the deck of a British vessel, and the protection of the British colours, I cannot view that event entirely with regret. Not only has it proved the immunity which we have claimed for our flag, but it has elicited such a grand manifestation of hearty indignation that it will be long before any nation will indulge in England's decrepitude. Not only this; that magnificent colony which abuts on the borders of the United States, has found an occasion of expressing spontaneously its loyalty, fidelity, and love for the mother country in a manner which proves its reality, and must confound any who have erred in their estimate of the true sympathies of Canada. There is one subject nearer home which demands our warm recognition—need I say, that I allude to that gratifying exhibition of zeal, and those proffers of services which were made by the naval reserve of this kingdom. At no time have we had a navy more complete in equipment—never so capable of being manned not only without pressure, but with eager demands to be employed in the service of their country. That exhibition of our Naval Volunteers will be never forgotten. I think any amount of mere money was well devoted when our navy was rendered, I had almost said invincible—and I do say, with the blessing of the Almighty, it is invincible, when science has rendered our ships invulnerable, and the patriotism of its seafaring population places crews of volunteers at our disposal sufficient to man a fleet in numbers and spirit at a moment's notice. Such events, I think, should not incline us to regret the affront of the *Trent*. Both countries had done well:

England was firm and resolute; America did justice, though tardily, and such a peace was of the nature of a conquest, when—

—“both parties nobly are subdued;
And neither party loser.”

MR. BENTINCK said, he had heard with much pleasure the announcement of the hon. Member for Galway that he intended to call the attention of the House to the question of the efficiency of the blockade of the Southern ports. He thought there were two questions involved in this matter; the first, its bearing on our commercial interest, the second its bearing on our national honour and the rules of international law. With respect to our commercial interests, he would say nothing at that moment; but it appeared perfectly clear that if his hon. Friend was able to substantiate the statement which he had shadowed forth to the House, and showed that the blockade had been practically nothing but a paper blockade, undoubtedly in that case the character of this country would to a great extent be involved by its recognition. He believed it was admitted on all hands that the recognition of a paper blockade would be a violation of the rules of international law, and in that case, assuming, for the sake of argument, that it could be shown that it was really a paper blockade only, what became of the principle of non-intervention of which they had heard so much?—because, unless it could be shown to have been perfectly effectual, it appeared to him that its recognition was for all purposes, and, in every sense of the word, an act of intervention on the part of this country in favour of the Northern States. It appeared to him that it was necessary for her Majesty's Government to show that there was no foundation whatever for the assumption put forward by his hon. Friend that the blockade had not been effective. Taking that view of the subject, he was extremely glad that his hon. Friend intended to bring the subject forward for discussion.

MR. DARBY GRIFFITH said, there was one paragraph in the Royal Speech, that alluding to Morocco, to which, as he had brought the subject forward last Session, and as it happened to fall to his lot to take part in the matter, he wished to refer. He appealed to the Government last year to take some steps to put an end to the very unsatisfactory state of affairs which then existed. At that time the Spanish Government had possession of

Tetuan, and appeared, from a statement of the noble Lord the Foreign Secretary, likely to keep possession. But he (Mr. Darby Griffith) then drew attention to the fact that the security of Gibraltar required the independence of Morocco. Since then the Government had dealt with the question. The great difficulty was that the Emperor of Morocco had entered into financial engagements with the Spanish Government which he found himself unable to fulfil. He had 3,000,000 dollars to pay, and had only 1,000,000 dollars to pay it with, leaving a deficiency of 2,000,000 dollars to be raised. Until that amount was raised, however, the Spanish Government had a right, by the treaty to which the Government of Morocco had consented, to retain possession of Tetuan. Of course it was not the policy of the English Government to encourage the Government of Morocco to nullify treaty engagements, but the question was a pressing one, and it sent a gentleman of the highest business talents and diplomatic authority in that part of the world, Mr. Drummond Hay, to wait on the Emperor at Fez, to see what could be done. In the course of the arrangements a British merchant trading to that country, Mr. Ford, offered to advance the capital at £10 per cent; but it was suggested by him that the British Government should give some assistance, and it was proposed that our Government agents should be concerned in collecting the revenues of Morocco and handing them over to the British capitalists. The question was an extremely pressing one, as the continued occupation of Tetuan was fraught with danger. No doubt the Government had great and paramount objections to giving any direct guarantee; but, at the same time, they felt that it was of the greatest possible importance that such a state of things should terminate. They were, therefore, induced, as an exceptional case, to look favourably on the proposition of a modified intervention in respect to the collection of the revenues. That proceeding or concession on their part had greatly facilitated the matter; and they now knew that a loan had been contracted in London which would enable the Emperor of Morocco to make the payment necessary to obtain the evacuation of Tetuan. He wished to ask the Government whether that payment was in the course of being made, and whether, in point of fact, the transaction would be carried out to

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completion without delay? Considering the extreme importance of this question as connected with our possession of Gibraltar, and the urgency of the matter, he felt it his duty to press it upon the attention of the Government last Session in a very pointed manner, and he now gave them great credit for the energy they had displayed. Under all the circumstances he thought that no better expedient could have been hit upon to settle the business satisfactorily. He differed altogether from the view which he understood the noble Lord the Secretary of State for Foreign Affairs to have intimated last Session, that much forbearance and concession ought to be shown towards the Spanish Government—that Government had never manifested any gratitude for the efforts we had made in the war with Napoleon I. to preserve her independence, or had fulfilled other engagements she had entered into with us; and, therefore, it was idle to attempt to conciliate Spain. All that we had to consider was our own interests respecting the fortress of Gibraltar; and it was of essential importance to preserve the independence of Morocco, and not to allow Spain to obtain a footing there, either for herself or as a cat's-paw for the Emperor of the French, or we should soon find the whole of that coast, from Algeria to the Straits of Gibraltar, occupied by a foreign and hostile power, and our retention of Gibraltar would be rendered more difficult. On those grounds he was glad to find that the Government had exerted itself to settle the question, and he gave them great credit for having done the best they could under the circumstances.

Address agreed to:—To be presented by Privy Councillors.

LORDS COMMISSIONERS' SPEECH.

LORDS COMMISSIONERS' SPEECH to be taken into consideration on *Monday* next.

HIGHWAYS BILL.

LEAVE. FIRST READING.

SIR GEORGE GREY, in moving for leave to bring in a Bill for the better management of Highways in England, said, the subject, unfortunately, was by no means a new one to the House, and therefore, in introducing a measure which very much resembled its predecessors, he did not propose to say anything which could give rise

to debate. Any discussion on the principle of the Bill or its details would be better reserved for a future stage. He would only say that it was identical in principle and similar in most of its details to those introduced by the hon. Gentleman the Member for Leominster (Mr. Hardy) and by his right hon. Friend now the Secretary for War (Sir George Lewis). It provided for the formation of highway districts by order of magistrates in sessions; only, however, after notice that such proceedings would be brought forward at the sessions on the requisition of five magistrates, and subject to confirmation at subsequent sessions. The order, moreover, was not to come into operation until confirmed by the Secretary of State, so that reasonable opportunity might be afforded to those parishes which objected to the arrangement to have the matter fully considered. The Bill also provided for the formation of Highway Boards, composed of way-wardens appointed by the parishes included in the district; and it was an essential principle of the Bill that a paid district surveyor should be appointed, whose duty it would be to act under the Highway Board, and look to the maintenance and repair of the roads. As in the Bill of last year, places subject to local acts were excepted from the operation of the general measure; and there were some other small exceptions identical with those in the Bill which was then introduced. It was proposed absolutely to exclude boroughs from the operation of the Bill, except where the consent of the council of such borough or the vestry of such parish was obtained. The measure was chiefly required in agricultural districts, and in many parts of the country with which he was most conversant it was calculated to produce great public benefit, and, ultimately, to diminish the expense of making highways. Many parishes in the north of England were divided into townships, each of which appointed its own surveyor, and one had no control over the other; so that continually persons had to pass in the same parish from a good road to a bad one, and there was no way of enforcing any change in the interest of the general public, though such a power was in many instances greatly desired. He hoped the House would not object to the introduction of a Bill similar in principle to those which had been assented to on former occasions, either by large majorities or without a division. In case the House agreed, as he trusted it would do,

to read the Bill a second time on an early day, he was prepared to fix the Committee for any date which would best suit the general convenience.

Mr. BARROW said, it was with much regret that he heard it was intended to re-introduce this Bill. After the opposition so generally expressed with regard to it last year, and without anything which could be called an expression of public opinion in its favour out of doors, he had trusted they should hear no more of it. The tendency of the Bill was to depauperize England by destroying those local authorities who had hitherto exercised some important functions, and to remove from the parishes the right of local government in almost the only instance in which it yet existed, and therefore to set aside a material and important element of the Constitution of the country. The Bill proposed to remove from the parishes the control they had hitherto exercised over their own finances, and to transfer it to a body not elected by the vestries, but mainly nominated by the Crown; for although each parish was to have its own waywarden, still that functionary was to exercise no real power over the acts of the Board. In most parishes the rate levied for the purposes of these roads was equal to the tax imposed under the two schedules of the Property-tax, and the Bill proposed to transfer to the new Boards additional powers in this respect; so that an immense power would be placed in the hands of those who were to control that amount of taxation. The majority of the landed property of this country would, consequently, be virtually placed under the control of a very small minority in point of numbers, and certainly not a majority in point of value of the landowners. The measure would be a violation of the rule, which was now recognised as one of the fundamental principles of our Government, that the people should only be taxed and the expenditure should only be authorized by themselves or by their representatives. As such he should strongly oppose it.

Leave given.

Bill ordered to be brought in by Sir GEORGE GREY and Mr. CLIVE.

Bill presented, and read 1^o

QUALIFICATION FOR OFFICES ABOLITION BILL.

LEAVE. FIRST READING.

Mr. HADFIELD moved that the House do resolve itself into Committee to consider

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der the Acts relating to Qualifications for Office and Employment.

Mr. NEWDEGATE expressed his regret that the hon. Member should think it necessary to re-introduce this most obnoxious measure, which had hitherto been invariably rejected by a majority of at least two to one. He should have thought, after the distinct expression of opinion by the House, that the hon. Member would not have further trespassed upon its patience. The hon. Gentleman, however, was prepared to ask them again to reverse the whole course of legislation adopted on this subject for the last 32 years, in order to enable persons who were invested with corporate powers to use them against the Church of England, which was one of the great institutions of the State. No one could really doubt that the subject had been already sufficiently ventilated; therefore, he trusted the House would not even sanction the introduction of the measure, the more especially as they knew very well that even if it passed this House it was not likely to become law; but in all probability would only promote differences between the two branches of the Legislature, upon a subject with respect to which no public interest whatever had been excited.

Motion agreed to.

Acts read; considered in Committee.

(In the Committee.)

Resolved,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to render it unnecessary to make and subscribe certain Declarations as a Qualification for Offices and Employment."

Resolution agreed to.

Bill ordered to be brought in by Mr. HADFIELD, Sir MORTON PETO, Mr. BAINES, and Mr. KERSHAW.

Bill presented, and read 1^o.

WHIPPING BILL.

LEAVE. FIRST READING.

Mr. HADFIELD moved for leave to introduce a Bill to abolish punishment by Whipping for Offences committed by Criminal Prisoners, and to amend so much of an Act for the more speedy trial and punishment of Juvenile Offenders as relates to the Whipping of Offenders. He said the House was aware that the Legislature had already made considerable alterations in criminal law, and these alterations necessitated additional Legislation upon the subject. He therefore introduced this Bill, to which the Home Secretary had no objection.

He would postpone the second reading to the 26th inst., and he hoped that the law would be amended so as to relieve the country from those grievous statements upon this subject which last year affected public feelings and opinion.

SIR GEORGE GREY, in consenting to the introduction of the Bill, desired not to be understood as assenting to the principle that corporal punishments could in all cases be abolished. The disturbances in the Chatham prison last year showed that it was necessary that the power should be reserved. He believed there were instances when whipping might be advantageously practised. He admitted that from the returns laid before Parliament last Session it was evident that a great diversity of punishment prevailed in different gaols, and he had instituted inquiries upon the subject with a view to explain the matter to the House.

Leave given.

Bill *ordered* to be brought in by Mr. HADFIELD, Mr. KINNAIRD, Mr. BRISCOE, and Sir FREDERIC SMITH.

Bill *presented* and read 1^o.

POOR RELIEF (IRELAND) BILL.

LEAVE. FIRST READING.

MR. HENNESSY moved for leave to bring in a Bill to amend the law for the Relief of the Poor in Ireland.

SIR ROBERT PEEL said, he had himself given notice of his intention to bring in a Bill on this subject on an early day. Under these circumstances, perhaps, the hon. and learned Member for the King's County would wait and see whether the provisions of that Bill did not meet his own views.

MR. HENNESSY observed, that the Bill which he proposed to introduce had already received the sanction of the House. In the Session of 1860 he had the honour of submitting the two clauses of which his Bill consisted, and on three divisions the House agreed to them. He understood from the right hon. Gentleman the Chief Secretary for Ireland that the Government proposed substantially to accept his clauses; but, as he believed there was some difference between the Government clauses and those of his Bill, he hoped that, in accordance with the courtesy usually extended to hon. Members, the right hon. Gentleman would not oppose the present Motion.

SIR GEORGE GREY said, that, as a matter of courtesy, the Government would

not oppose the Bill; but he put it to the hon. and learned Member whether it would not be better for him to wait till the Bill of his right hon. Friend was on the table, in order that he might see whether there was that difference to which he had referred.

MR. HENNESSY remarked, that if leave were given him to bring in his Bill, he would take care that its second reading should not take precedence of that of the right hon. Baronet's measure.

Leave given.

Bill *ordered* to be brought in by Mr. HENNESSY and Mr. GREGORY.

House adjourned at a quarter before Six o'clock, till Monday next.

HOUSE OF LORDS,

Monday, February 10, 1862.

UNITED STATES—IMPRISONMENT OF BRITISH SUBJECTS.

THE EARL OF CARNARVON said, he wished to put to the noble Lord the Foreign Secretary a question of some importance. It would be in the recollection of the House that on Friday night last he had put a Question to the Foreign Secretary with reference to a British subject who had been arrested and detained in prison for a considerable time in the United States, and—not to use a harsher term—subjected to considerable ill-treatment under the warrant of Mr. Seward. Since that time he had received fresh information relating to other cases, which were still worse than that which he had before mentioned, and he was anxious to have whatever information the noble Earl opposite could furnish with regard to them. He was informed that three British subjects were at this moment detained in prison in the Federal States, where they had been between four and five months, on secret charges, without a single allegation of any sort being made, far less proved, against them. He was informed that no inquiry had been made into their cases, and they had even been refused an inquiry, unless they consented, in the first instance, to take the oath of allegiance to the United States. If this information which he had received were correct, and these persons had been

so illegally arrested and detained, there was not a moment to lose in obtaining an explanation of the exact position of affairs. The prisons of the United States at this moment were crowded with prisoners. Into one of the prisons—Fort Lafayette—had been crowded a great number of prisoners of every rank and position—and among them were men of substance and intelligence, who had been brought up in affluence and great social refinement. There were representatives there of all the liberal professions—members of the judicature, members of the press, some ten or eleven representatives of the State of Maryland, and men of all the best classes of American citizens, who had been arrested, dragged from prison to prison, suffering every hardship, and, at this moment, they were confined for an indefinite period. With these American citizens in American prisons that House, of course, had nothing to do; they were not concerned in the matter, and he should be the last man to ask the House or the Government to interfere; but, in so far as their condition threw light on the condition of British subjects there confined, it was an important point, and he felt sure that neither the House nor the country could be indifferent to it. The state of the prisoners he understood to be this: In this fortress there were four small casemates and two larger battery-rooms in which prisoners were confined—all the chambers being constructed of brick or stonework, and lighted by small embrasures or large folding doors, which ensured an atmosphere alternately saturated with damp, alternately suffocating from heat. In one of these chambers, fourteen feet by twenty-four feet, there were confined—at least, that was the case a few weeks ago—twenty-three political prisoners, of whom two-thirds were placed in irons; and in one of the battery-rooms between thirty and forty persons were confined. During the day there was often too much ventilation, though, at the occasional caprice of the guards, blinds and shutters were placed against the windows; but at night the ventilation was so imperfect that the air became foul and oppressive. In every sense the accommodation was bad. In very few cases were there beds or bedding; in none the necessaries, or decencies even, of prison life. The food was of the coarsest description. Even the watersupplied for drinking was said to be foul, while for other purposes only salt water

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was provided. In one of the worst of these places, where prisoners were crowded together in this manner, where there was no possible accommodation for cleanliness and for decency, the state of things was said to be something very little better than the middle passage. In one of these battery-rooms fever had broken out, and was spreading rapidly to the neighbourhood. It was in these prisons that these British subjects were confined. He had the fact upon authority which he could not doubt, though, of course, he could not state it on his own personal responsibility; still the authority was such that he could entertain no doubt on the subject. He had been furnished with an account of the names and conditions of the persons so confined. The first was Charles Green, a British merchant, long resident at Savannah, who came from Liverpool. As a proof that his connection with this country had been maintained, and that he was *bonâ fide* a British subject, he had a son now at Liverpool at school. The second was Andrew Lowe, also a British merchant at Savannah, who at this moment had two daughters at school at Brighton. He could not give the name of the third; but he was described as an Irish navy. He was a labouring man, who went over from Ireland in October, 1860, in order to find an uncle engaged in some railway contracts at Harper's Ferry, and he was found by the Federalists in that neighbourhood. They offered him the oath of allegiance, and when he declared himself a British subject they treated the plea with derision. The oath of allegiance was proffered to him again, and on his refusal he was dragged to prison. The friendless condition of this man and his ignorance of the proper means to be adopted, entitled him to a double amount of protection. Now, as to the condition of these persons, it was impossible to say more than this, that they were still in confinement. It was impossible to say whether there was a more or less of hardship in individual cases. But it was not likely that the Federal Government would treat British subjects confined in these prisons with more consideration than it would show to natives of the country. If the persons thus arrested were guilty, let them, after a fair trial, undergo the punishment the law awarded for their offence; but they should not be detained in prison for an indefinite period, and on secret charges. They ought to be brought to

trial, and have a hearing. He understood that to all these prisoners, without exception, the same offer was made, that as a preliminary condition to any judicial inquiry into their cases they should take the oath of allegiance to the United States. The fact of these men being still in prison after such an offer was a presumption that they were really British subjects; and, if so, under these circumstances the Government of this country was bound to extend protection to them. He did not wish to go further into this subject; he would rather leave it in the hands of Her Majesty's Government. But he should wish to know from the noble Earl what information he had on the subject, and what steps he had thought right to take.

EARL RUSSELL: I conclude that the noble Earl has hardly read the papers that have been laid on the table of the House by command of Her Majesty; for the noble Earl would there have found a Correspondence between Lord Lyons and Mr. Seward, and also between Her Majesty's Government and Lord Lyons, on this subject. I think that the noble Earl in the statement he has made hardly seems to have taken into account the very critical circumstances in which the Government of the United States is placed. In the spring of last year nine of the States in the scheme of Confederation declared war against the Federal Government. In such circumstances as these it is usual for all Governments to imprison on suspicion persons who they consider are taking part in the war against them. In a case which happened not many years ago—in 1848—when there was a conspiracy in Ireland for the purpose of overturning the authority of Her Majesty's Government, the Secretary of State applied to the other House of Parliament for authority to arrest persons on suspicion of treasonable practices—that is, for the suspension of the Habeas Corpus Act—and in the papers presented to Parliament at that date there are two cases in which the Lord Lieutenant of Ireland ordered the arrest of two American citizens. In the cases of these two persons representations were made to Her Majesty's Government by the Government of the United States. My noble Friend Lord Palmerston, at that time Secretary of State for Foreign Affairs, replied, that with regard to those persons the Lord Lieutenant of Ireland had full information on which he relied that those

persons were engaged in practices tending to subvert the authority of the Crown, and were aiding treasonable practices that were being pursued in that part of the kingdom. Those persons, I believe, were never brought to trial—I never heard of their being tried. They were arrested and detained solely by the exercise of the powers vested in the Crown authorized by Parliament. No doubt complaints have been made by certain British subjects in America that they had been arrested on suspicion, only on the order and by the authority of the Secretary of State of the Federal Government. I directed Lord Lyons to represent these cases to Mr. Seward, and as, especially with regard to one of them, it appeared that there had been very light grounds for the suspicion, I thought an inquiry into them ought not to be delayed. I do not vindicate the act of the American Government in any of these cases; whether it had good or only light grounds for its suspicions, I am not here to say. If I thought they had only light grounds of suspicion, it was my business to represent that to the Government of the United States; but it is not my business to undertake the defence of the American Government in this House. The American Minister replied that the constitution of the United States gives the President a power, under certain circumstances, to arrest persons on suspicion and confine them in prison during his will and pleasure. This question has been much debated in America. Some high legal authorities say that the writ of *Habeas Corpus* cannot be suspended by the President alone, but only by an Act of Congress; but, on the other hand, some eminent lawyers have maintained the contrary opinion. I have received within the last few days a pamphlet written by a gentleman at the head of the bar of Philadelphia, in which he contends with great ingenuity that the meaning of the clause of the Constitution of the United States is that the *Habeas Corpus* can be suspended on the authority of the President alone. Now, the question has been brought before Congress itself, and a resolution was proposed on the subject. But it was contended on the part of the Government that it was the prerogative of the President, and on a division a large majority decided to lay the question aside, and thereby left the President to act for himself. So much for the power given by the Constitution of the United States. With regard to the particular acts which Mr. Seward, under

the sanction of the President, has authorized, in the arrests of British subjects, as well as American citizens, I am not here to defend them. But I think the authority to make such arrests is one that must belong to some person in the Government of the United States, if it believes that the parties are engaged in a treasonable conspiracy against it, either by furnishing arms to the enemy or acting as spies. It is an authority which must rest somewhere in cases of great peril. As to many of these cases, I believe there has been what was very likely to occur—some abuse of an extraordinary power; there have been some unnecessary suspicion and some ill-treatment. But I do not find that in any of these cases there has existed any disposition on the part of the American Government to prevent the British consuls from having access to prisoners who claimed their interference, or to prevent them from stating their complaints to Lord Lyons; nor do I find that Lord Lyons has been slow in representing them to the American Government. Lord Lyons has represented that attending to those cases has taken up a great part of his time. Nor can I say that Mr. Seward has refused to listen to those complaints. He has very often stated that he had information on which he could depend that these persons were engaged in treasonable correspondence against the Government of the United States. Whether these parties were or were not engaged in treasonable practices against that Government is a question upon which we cannot enter. But the noble Earl states upon his own authority that the arrests were illegal, and that those persons are now kept in prison illegally. That is more certainly than I could venture to state. I could hardly venture to say that the President of the United States has not the power, supposing persons are guilty of being engaged in treasonable correspondence against the authority of the United States, to keep them in prison without bringing them to trial; and it would require a stronger denial of the authority of the law officers of the United States than I could presume upon to say that the President of the United States has not that power. With regard to the particular cases which the noble Earl has brought forward, I am unable to say whether or not some of those persons may not have been engaged in such correspondence. We all know that during the time in which the United States have been divided there has been much sym-

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thy shown in this country on one side and on the other. Some have shown a strong sympathy with the North, and others have shown a strong sympathy with the South. It is quite impossible for the Government to say, without knowing the circumstances accurately, whether these persons may not have been engaged with the Confederates. With regard to some of those cases, I thought the circumstances were such that it was quite evident that the persons arrested had not been engaged in any conspiracy. There was one gentleman who happened to be a partner in a firm, the other partner of which had great connections with the South, and had strong Southern sympathies; but the gentleman himself was a firm supporter of the Union. It was the mere circumstance of letters being sent to certain persons through the firm that induced his arrest. I thought that a most arbitrary and unjust proceeding. Mr. Seward said he thought the circumstances were enough to induce suspicion, but that as soon as it was ascertained that there was no ground for that suspicion, this gentleman was released. A mere release, however, was far from being adequate compensation to him, because for a person in a most respectable position and wholly innocent of offence to be arrested and confined to a prison for several days is a great grievance, and one for which he is entitled to compensation. But beyond the right to complain and the constant interference of Lord Lyons, the British Minister, whenever there is a case which he thinks calls for such interference, I do not know what, under the circumstances, we can do. I believe the gentleman to whom I allude had stated that he expected his own friends would procure his release. The noble Earl has mentioned three cases. I was not aware of the cases the noble Earl would mention; but with regard to Mr. Green, this is a statement he made on the 5th of September—

“I desire no action to be taken by my friends in England in consequence of my arrest. Lord Lyons has represented my case, and it will receive full investigation in due time. Meanwhile I am in the hands of the officers of this fort.”

There have been other cases of arrest and imprisonment under circumstances involving great hardship. There have been many cases of arbitrary imprisonment, and these cases of arbitrary imprisonment have taken place under a Government which is engaged in a civil war, perhaps one of the most serious, perhaps one of the most for-

midable, in which any country was ever engaged. It is not for us to decide the right or wrong of the quarrel; but we must admit that all the means that are used by civilized nations in warfare against each other are open to the Americans, whether in the character of belligerents or whether as engaged in civil war. With regard to the particular cases, I believe that, to whatever cause they may be owing—whether to the novelty of the circumstances in North America or to the inexperience of the persons intrusted with the duty of exercising this power, or whether it is owing to this, that arbitrary power can never be safely intrusted to any one, or if intrusted is most liable to be abused—to whatever cause it is owing, I believe there have been and will be many cases of arbitrary arrest. But in every case where a British subject is arrested, and a reasonable case is made out on his behalf, I shall always be ready to instruct Lord Lyons to bring the case under the consideration of the authorities of the United States Government. Lord Lyons has never been wanting in his duty. He has, I think, shown himself a vigilant British Minister in that respect; and I hope your Lordships will not be of opinion that these cases have been neglected by the Government of this country.

THE EARL OF DERBY: I am sorry, my Lords, to find that the noble Earl is not able to answer the statement made by my noble Friend, and that he seemed to cast some censure upon my noble Friend for having brought this subject to your Lordships' attention with a strong expression of opinion as to the illegality of these arrests. Now, I must say that it was difficult to listen to the statement of my noble Friend, borne out as it is by the statement of the noble Earl himself, without feeling excited to the highest degree of indignation at the gross outrages thus inflicted upon British subjects. I am willing to admit to the noble Earl that every allowance should be made for the circumstances of difficulty in which the American Government is placed, and the exigencies of the civil war in which they are engaged; but I must say that the course they have pursued with respect to British subjects in America, notwithstanding the remonstrances from time to time addressed to them by Lord Lyons—and I am sure that no thought was further from my noble Friend's mind than to cast the slightest censure upon Lord Lyons, who seems to have performed his difficult duties at Wash-

ington with firmness and with prudence—I say that the treatment of British subjects by the American Government has been such as highly to try the patience of this country. I think we are justified in using strong language upon the course thus pursued by the American Government, considering more especially that on some former occasions Her Majesty's present advisers have not been slack to assert or slow to vindicate the *Civis Romanus* doctrine professed by the noble Earl now at the head of the Government. In this instance, however, the *Civis Romanus* does not appear to have derived a great deal of benefit from his citizenship. The noble Earl seems to have derived some instruction from his intercourse with Mr. Seward; for in the course of his correspondence with Mr. Seward the noble Earl seems to have invoked against these proceedings—and very properly—the protection of American law, declaring that he had no right to resent, with regard to British subjects, that which the law sanctioned with regard to American citizens; but the question was, did the law sanction these proceedings? The noble Earl, however, acquiesced contentedly when the American Secretary of State replied that he did not feel bound to accept from a British Minister his explanation of the American Constitution. Such was the substance of the courteous reply vouchsafed to the noble Earl. Now, I wish to ask a question, raised by my noble Friend, which the noble Earl very conveniently thought it unnecessary to answer. He states that Congress has passed a resolution affirming the course taken by the President in suspending the *Habeas Corpus*. [Earl RUSSELL: Virtually affirming it.] Well, virtually affirming it. No law can be shown to support the President's exercise of the power; and the noble Earl's statement is that a number of the most learned and able Judges in the States have denied that he possesses any such power. The action of the Judges at the present moment is subject to rather unusual restrictions. At present, therefore, there exists no appeal with respect to the law of the United States; but the noble Earl says that virtually Congress has affirmed that the President possesses by the Constitution, whenever he thinks fit, the power of suspending the *Habeas Corpus* writ, without reference to Congress or to any authority other than his own discretion. Certainly, for a very free Government and

pure democracy, I do not think that it is a very happy state of law to live under, and it does not seem to afford a very strong illustration of the superior happiness which the American people enjoy over those whose lot is cast under the old monarchies. The noble Earl has shown that in Ireland the writ of *Habeas Corpus* has been suspended by the authority of Parliament, and that the Lord Lieutenant has exercised the right thus conferred upon him, even in the case of American citizens. But what I want to know is, can he show us any British or any American precedent where upon such an arrest it has been required as the condition, not of release, but of being brought to trial, that the person arrested should forswear allegiance to his own country? The noble Earl has not denied that this individual was called upon, as a condition of being brought to trial, to forfeit his nationality, and that he was only laughed at when he stated that he was a British subject; nor did the noble Earl deny that he was thereupon remitted to prison. Even admitting that we have no right to question the American interpretation of American law, admitting the doctrine that the President may at any time, under circumstances of suspicion, exercise the power of suspending the writ of *Habeas Corpus* without the sanction of Congress, I think the noble Earl will be at a loss to point out any law or precedent by which a person may be called upon to forfeit his nationality and swear allegiance to another country before he enjoys the privilege of being brought to trial.

EARL RUSSELL: What has fallen from the noble Earl renders necessary a word or two of explanation from me. With regard to the first point, I stated, so far as I recollect, that a motion had been brought before Congress declaring that under the existing circumstances the power of suspending the writ of *Habeas Corpus* could not be exercised without the sanction of Congress. I am not versed in the forms of Congress, but I believe that according to our forms it would be said that the Congress resolved to pass to the Order of the Day. That amounts to a virtual confirmation of the power, and I do not know that we can look to any other authority. The President exercises this power, and Congress declines to interfere. With regard to the three cases mentioned by the noble Earl (the Earl of Carnarvon) I did not, of course, know

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that he would refer to them, or I would have taken pains to inquire into the facts of each case. I do not, however, recollect any instance in which a person was called upon to take the oath of allegiance to the United States, except one, and that was a case in which the person arrested had given notice of his intention to become a citizen of the United States. The form, I believe, is that the person who wishes to become a citizen of the United States must give three months' notice of his intention to do so. When that time arrives he must take an oath, not only of fidelity to the United States, but he must also forswear all other allegiance, and more especially allegiance to Her Majesty Queen Victoria. The gentleman who was arrested made an application to the British Consul; to whom the reply of Mr. Seward was, "This gentleman on account of whom you write has renounced all allegiance, and especially allegiance to Queen Victoria." The matter was further inquired into, and it was found that Mr. Seward was wrong in his facts; that although this gentleman had given notice, and although he had stated in a court of justice he intended to forswear his allegiance to Queen Victoria, yet the requisite forms had not been completed, and, therefore, he remained still a British subject. Lord Lyons remarked that if that were not so the gentleman would be placed in such a position as to be debarred from seeking the protection either of the United States or of the British Government.

THE EARL OF DONOUGHMORE said, that without entering on a discussion of the general subject, he desired to have an explicit answer to one question, namely, whether the noble Earl at the head of Foreign Affairs approved of the course which had been adopted of tendering the oath of allegiance to a British subject as a condition to his being brought to trial? For his own part he could conceive that no greater insult could be offered to any man than to be first arrested by a foreign Government, and then be required by that Government to forswear allegiance to his own and allegiance to theirs before the charge against him could be investigated. He trusted that a distinct answer to that question would be given by the noble Earl.

EARL RUSSELL: My answer is that, as far as I know, the American Government have never tendered the oath of allegiance to the United States to a British subject, knowing him to be a British subject. Mr. Seward, when told by Lord

Lyons that this person who had been arrested was a British subject, said that he was quite unaware of that fact, and he would take care that the oath of allegiance was not put to him. I repeat, that I believe the oath of allegiance to the United States has never been administered to a British subject when he was known to be such.

THE EARL OF DERBY: My noble Friend's question referred to the alternative that was given of taking an oath of allegiance or of not being brought to trial.

UNITED STATES—BLOCKADE OF THE SOUTHERN PORTS.—QUESTION.

THE EARL OF MALMESBURY: I have given notice to the noble Earl the Foreign Secretary, that I would put a Question to him respecting the papers which he proposed the other night to lay upon the table. In asking whether among those papers we shall find any accounts from the Admiral on the North American station, or from our consuls at the various ports in the United States, as to the exact state of the blockade of the Southern ports, the noble Earl may be sure I am not asking in any spirit of cavil at the policy which Her Majesty's Government has pursued, and I am glad to add my humble tribute of approbation, and to say, what my noble Friend behind me (the Earl of Derby) said the other night, that I think the noble Earl has carried out that policy with great judgment, and has fully maintained the honour and dignity of this country. I am the more anxious not to be misunderstood because, in the strangest and most unaccountable manner, my noble Friend near me (the Earl of Derby) has been misunderstood and misrepresented by the leading journal, both to-day and on a previous day; and although my noble Friend gave that journal an opportunity of retracing its steps by explaining what he said in his speech on Thursday night as to the question of the blockade of American ports, yet this morning there is in that newspaper an article warning the public against the advice given by my noble Friend upon that occasion. My noble Friend never used a single expression that could be construed into a desire to press upon the public mind the desirability of breaking the blockade. Nor would I do so; for it would be inconsistent with what I conceive to be true policy to say one word to induce the Government to take that course one moment before they thought

that it should be taken. It must be a question of time and judgment with the Government; and, therefore, I wish to repeat that no persons on this side of the House are pressing the Government to pursue any other line of conduct than that which they seem now to be pursuing. But, although that may be my view of the right policy to be followed, I wish to know what are the real facts, and what is exactly the state of the blockade? Possibly there may be a great deal of exaggeration in the statements we hear, but I have been told—for I have not the honour of knowing the gentleman—that Mr. Mason, who, as we are all aware, has recently come over here to represent the Southern States, openly declares that no less than 600 or 700 ships have broken the blockade and passed in and out of the Southern ports. It is desirable, therefore, that Parliament and the country should be properly prepared to form some judgment upon the matter. As I said, it is a question of time and judgment for the Government, knowing the facts, when they shall feel called upon to vindicate international law. I am aware that under the particular circumstances of the case, and seeing what events might soon follow, perhaps putting an end to the struggle altogether, it would be impolitic to hasten our steps with regard to this blockade; but still we should know what are the real facts. It is evidently impossible, after a certain time, when the opinion of all the great Powers of Europe has been strongly pronounced, speaking of the blockade as not legal according to international law, and after the statement of Mr. Mason, if true, it will be impossible for the whole world to continue to suffer the inconveniences which the present state of things exposes them to. I would ask the noble Earl whether among the papers we shall have an exact account of the state of the blockade as given by the Admiral and our consuls. A great deal has been said about the Declaration of 1856. I am sorry that Lord Clarendon is not present, as I do not like to speak upon a subject of this nature in the absence of the person who I believe originated the Declaration; but it may be remembered that at the time I expressed my opinion as to the policy of that Declaration. I think, too, that if we were to look back to the debates of that period we should find that the noble Earl, now Secretary of State for Foreign Affairs, in some degree at least coincided with me. I did not believe that any article of that

Declaration would eventually be carried out when a great war should take place. I warned the country that although it was extremely creditable to the Christian feeling and philanthropy of the noble Earl who originated that Declaration, yet we could not rely upon its being adhered to throughout a great war. I did not think you could lay down that strict rule as to blockades, and we now find that it is a wise policy not to enforce that part of the Declaration. Neither do I believe you can carry out the Declaration as far as it relates to privateers. I do not believe that a great maritime country should be bound by such a Declaration; but, at all events, I am certain that in a great war circumstances would be too strong for an adherence to it. Supposing that the two great maritime Powers of England and France were at war; at first the Declaration might be adhered to, and a sort of duel would be observed between the Royal navies of both countries: but supposing the events which have before occurred were to happen again—that the English fleets destroyed the greater portion of the French war navy, and blockaded the remainder in their ports—could it be believed that that warlike people, being brought to bay, would not have recourse to the law of self-preservation, and adopt any means to drive away the hostile fleets from their coasts, and loosen the gripe which strangled them? The only means would be to issue letters of marque all over the world, to prey upon our commerce, and compel us to withdraw our ships to protect our trade. Then, again, we know how far we can rely upon the principle of arbitration included in the Declaration of 1856. We know that in 1859 we tried that principle—to prevent war by intermediation. I had the honour to be in office at that time, in the Government of my noble Friend, and I know that principle was constantly appealed to by the great Powers; but human passions were too strong, and Austrians and Italians were too angry to listen to mediators. I mention these things because I think it is well to bear them in mind at the present time.

ITALY—MURDER OF DR. M'CARTHY QUESTION.

THE EARL OF MALMESBURY: Before I sit down I will take this opportunity of asking the noble Earl another Question,

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of which I have given him notice—namely, whether he has received any information respecting the assassination at Pisa of an English gentleman named Dr. M'Carthy, who appears to have been stabbed in his own house by an Italian porter, the murderer making his escape through the alleged gross negligence and indifference of the police authorities?

EARL RUSSELL: In the first place I must say that Her Majesty's Government are fully sensible of the support which was given them by the noble Earl opposite (the Earl of Derby) when he spoke on the first night of the Session in regard to the conduct we have pursued in relation to the United States. It certainly does give a great additional weight to the course taken by this country when all political parties agree in supporting the line of policy adopted by the Government, and the British nation must derive great confidence from a knowledge of that fact. Nothing could be more fair and candid than the course followed on Thursday night by the noble Earl. As to this question of the blockade, it is as the noble Earl says, one of very great importance, and I will not presume to enter at this moment into so grave a discussion. I gave orders early in the contest that Admiral Milne should furnish Her Majesty's Government with every information in his power, and I also sent to our consuls at the different ports with a view to obtain every information from them. When the blockade was first mentioned to me by Mr. Adams, I stated to him the difficulty which the United States Government would experience in maintaining a blockade over 3,000 miles of coast. Mr. Adams's reply was, that there were but seven ports which could admit large vessels, and which it would be necessary to blockade, and that therefore the difficulty was not so great as it at first sight appeared. With respect to the allegation that a very large number of vessels have eluded the blockade, I asked Mr. Mason myself what was the tonnage of those vessels to which reference was made; and to that question he was unable to give me an answer. But the noble Earl will see that that is a matter of very great importance, because those seven ports are connected by numerous creeks with other and minor ports, and small vessels run in and out of those creeks, carrying very small cargoes, and can hardly, from their insignificant character, be regarded as breaking the blockade. Before the meeting of Parliament

I gave instructions that the various papers connected with this subject should be collected together. That has now been done, the papers have been printed, and they will very shortly be delivered to your Lordships by Her Majesty's command. Without, then, pronouncing any judgment on this question, I must repeat that it is one of the utmost importance. On the one hand, if we said that anything that was called a blockade, however ineffective, should be held to be a legal blockade—or, on the other hand, if we were to incur the danger of a dispute with the United States without having the clearest and strongest ground for it—in either case a great evil would be produced. I therefore trust that your Lordships will reserve your judgments until you see all the evidence.

The noble Earl has asked me a question with respect to the dreadful murder which has taken place at Pisa. The British residents in Tuscany have made a representation as to the negligence of the authorities and the inadequacy of the means of detecting and punishing crime in Pisa. That representation was sent to Turin, to the Prime Minister, Baron Ricasoli, who promised to take it into consideration, with a view to devising such measures as may render the police more effective in that district. With respect to the arrest of the assassin and bringing him to justice, the report made by the consul is, that the first proceedings have been more speedy than is usual in that country. But it appears that these porters are generally a very ill-disciplined and violent class of men, that crime is rife among them, and that the British residents in Florence have complained of the great want of some regular tariff of charges by which disputes, such as gave rise to this murder, might be prevented. This has been represented to the authorities, and I trust that a better state of things will before long be established in Pisa.

EARL GRANVILLE: I cannot allow the remarks of the noble Earl who spoke last but one to pass without making some observation upon them. The other day the noble Earl opposite (the Earl of Derby) referring to the Declaration adopted at the Conference of Paris in 1856 in relation to the inviolability of enemy's goods in neutral ships, said that that Declaration, although it had not been embodied in a treaty, was still morally and honourably binding on all the Governments which had agreed to it. Now, that

view of the matter is entirely the view which is taken by Her Majesty's Government; and I stated the other evening that in the event of war that Declaration would be fully binding on those Powers which had assented to it. Now, the noble Earl who spoke last but one (the Earl of Malmesbury) on this subject has expressed not only his disapprobation of the Declaration, but, what is a very different thing, his conviction that in the case of war Her Majesty's Government would be induced to disregard its obligatory nature. Now, I think that such a belief going forth as the opinion of one of your Lordships who has occupied the position of Foreign Secretary in this country may have such an injurious effect on the minds of foreign Powers that I put it to the noble Earl himself whether he will not now modify what may have been the hasty expression which escaped him.

THE EARL OF MALMESBURY: What I intended to say was, that supposing a great country like England or France, after a desperate war, driven to the last extremity, and struggling with another Power for its very existence, I do not believe that either a warlike people like the French, or a nation of the same spirit as our own, would be restrained by the paper declaration made at Paris in 1856; that the law of self-preservation would overrule all other feelings, and that the nation would take any step which they thought proper for saving themselves and the country from the extreme danger and desperate condition in which they might be placed.

EARL GRANVILLE: I was sorry to hear such observations from the noble Earl, and I sincerely hope and trust that this country will never be reduced to such an extremity as will lead her to disregard any obligation which is morally and honourably binding upon her.

EARL RUSSELL: I certainly have expressed the opinion that I did not quite approve the Declaration made at Paris; but, at the same time, I said that once it had been entered into it ought to be respected.

MEMORIAL TO THE LATE PRINCE CONSORT.—QUESTION.

THE EARL OF DERBY: Is the noble Earl opposite prepared to give an answer to the Question which I put to him on Friday, Whether the Government have

come to any decision with reference to the proposed memorial to the late Prince Consort?

EARL GRANVILLE: I have only to state that Her Majesty's Government gave no particular sanction to the proposed memorial to the late Prince Consort, the project having originated in the universal and spontaneous feeling throughout the country that such a memorial should be raised. The money for the purpose having been voluntarily contributed, the Government certainly would not now be able to take any share in controlling the wishes of the subscribers, and it would be quite out of their province so to interfere. At the same time, many Members of the Government have individually given their sanction and concurrence to the proceeding. I have myself been in communication with the Lord Mayor on the subject, and he authorized me to say that the Memorial Committee are fully resolved, as soon as the sum of money which appears to be sufficient for carrying out their object has been raised—which is likely to be the case very shortly—to request Her Majesty to state in what form most agreeable to her own feelings the money so subscribed can be best appropriated; and, although I have no authority for saying it, I have reason to believe that if this application be made to Her Majesty she will not shrink from giving her views on the subject.

House adjourned at a quarter past
Six o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 10, 1862.

MINUTES.]—PUBLIC BILLS.—1^o Coventry Poor Act Amendment; India Stocks Transfer; Exchequer Bills; Parochial Assessments.

MADRAS ARMY.—QUESTION.

COLONEL SYKES said, he wished to ask the Secretary of State for India, What foundation there is for a statement, received from Madras, that the Madras Government is circulating a Memorandum in the Madras Army that the Memorials of Officers to the Secretary of State for India on grievances arising out of the Amalgamation Scheme would not be forwarded *in extenso*?

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SIR CHARLES WOOD said, as far as the Government were informed they had no reason to suppose that any such memorandum had been issued. The only possible foundation for the statement, as far as he could judge, was that certain memorials had been received in full, and there were others identical in their nature, which the Commander-in-Chief did not think necessary to transmit *in extenso*. They were a mere repetition of what had already been received, and it was clear that the decision of the Government in one case would apply to the whole.

ALLOWANCES TO WITNESSES AT ASSIZES AND SESSIONS.

QUESTION.

MR. ALGERNON EGERTON said, he rose to ask the Secretary of State for the Home Department, Whether he intends to introduce, during this Session, any Bill in relation to the Allowances to Witnesses at Sessions and Assizes?

SIR GEORGE GREY said, that in the year 1858 a scale of allowances to witnesses in criminal trials at assizes and sessions was promulgated, which had been prepared, after full consideration, by the officers of the Treasury and Home Department. Great objection was made to that scale, which was a uniform one, on the ground that it operated differently in different parts of the country, and the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) who succeeded him (Sir G. Grey) at the Home Office, issued a Commission which was directed to consider the question along with other matters. The Report of that Commission, which was presided over by his right hon. Friend the Chancellor of the Duchy of Lancaster, and comprised the hon. Baronet, the Member for Somersetshire, and the hon. Members for Kent and Macclesfield, substantially confirmed the scale with reference to the payments by the Treasury; but they admitted that there had been cases where the scale might not be sufficient in certain parts of the country, and they recommended that the magistrates in the counties referred to should have power to increase the allowances, provided that such extra expense were defrayed out of the county rates and not by the Treasury. A Bill was brought in last Session by the right hon. Gentleman the Secretary of War (Sir George Lewis) to give effect to that recommendation. But it was brought in

rather late, and was not proceeded with. The magistrates of the county represented by the hon. Gentleman (Mr. A. Egerton) had recently addressed a memorial to the Home Office, regretting that the Bill had not been considered by the House, and he (Sir George Grey) intended to reintroduce it on an early day.

THE LUCKNOW PRIZE MONEY.

QUESTION.

SIR MINTO FARQUHAR said, he placed on the paper notice of a question as to when the Lucknow Prize Money would be distributed, but that the telegrams which had appeared in the papers that day had answered the question, by informing them that it was about to be distributed immediately. He desired, however, to ask when the Kirmee prize money would be distributed?

SIR CHARLES WOOD stated, that the subject was under consideration. The French troops were entitled to a portion of the prize money, and it was not as yet decided what portion our troops were entitled to.

UNITED STATES.—BLOCKADE OF THE SOUTHERN PORTS.

QUESTION.

MR. PEACOCKE said, he would beg to ask, Whether any communications have been received with reference to the efficiency of the blockade of the Confederate ports established by the Northern States, and if so, whether such papers would be laid on the table?

MR. LAYARD replied, that the papers on the subject to which the question of the hon. Gentleman referred were being prepared, and would, he hoped, be upon the table on an early day.

CHURCH RATES.—QUESTION.

MR. HOPWOOD said, he wished to ask, Whether it was the intention of the Government to deal with the question of Church Rates this Session?

SIR GEORGE GREY said, that it was not the intention of the Government to propose any Bill on the subject.

SUPPLY.

LORDS COMMISSIONERS' SPEECH.

Considered; Motion "That a Supply be granted to Her Majesty."

INCOME TAX.

SIR HENRY WILLOUGHBY said, that he did not rise to oppose the Motion for granting Supply, being well aware that it was necessary to have a very large one. During the last three years the House had been compelled to vote £212,000,000 for public purposes, and although it was true that there was no war pressure, and that therefore the Supply would not be so large as in previous years, yet there were one or two points to which attention ought to be called at this early stage. One of those points which he wished to press on the attention of the Government was, that whatever might be the amount of Supply required, taxes ought not to be levied in such a manner as to unduly press upon or harass the taxpayers; and the other, which he was not then going to enter upon, was that the supplies, when raised, should be expended with judgment and economy. With regard to the first of these points, he had received information from large bodies of taxpayers stating that they had been subjected to great vexation and annoyance by the manner in which the income tax had been assessed and collected, and he wished to ask the Government who was responsible for the fair and just conduct of the numerous officers employed in the collection of the income tax—the surveyors, inspectors, assessors, and collectors? He would not have put that question unless he was convinced that there were serious grievances oppressing the taxpayer, and he must say that he thought the taxpayers were not always sufficiently considered in discussions upon taxation in the House. The last accounts from India showed that there was something like an income tax rebellion in a portion of our territories, and he hoped the House would take care that something of the kind was not got up in this country. He verily believed that at the present moment the strongest feeling of dissatisfaction existed in the country in respect to the manner in which the income tax was collected in this country; and he greatly feared that if the Chancellor of the Exchequer did not take care, he would run the risk of becoming the most unpopular man in the kingdom. The law was very difficult to get at in respect to the income tax; and if the taxpayers wished to know what remedies they ought to take when they were aggrieved, they were obliged to have recourse to an Act of Parliament containing 194 clauses, and then they

were referred to an Act which was passed fifty years previously. He did not believe that there was a single Member could give anything like a clear precis of the law on that subject, and he certainly thought that some change ought to be introduced so as to make it more intelligible. Surveyors and collectors of the income tax had a power of summoning, which, however, he believed, was exercised most unfairly against the taxpayers, who were often brought up, at great loss of time and expense, and, after all, their cases were not heard, but postponed till another day, when it had all to be gone through again. The principal grievance, however, arose from the system of speculative surcharges which was so odious in the year 1815, that Parliament ordered the burning of all documents relating to it, and from the tax being, as it was, he believed, in some cases, demanded before it was due. The functionaries who collected the income tax, and among whom there were many honourable and high-minded men, were professedly under the direction of the Inland Revenue Department, but there was a general impression abroad that instructions had been issued from head-quarters that the tax should be screwed up, and that an attempt was being made by the right hon. Gentleman the Chancellor of the Exchequer to make the 9*d.* tax produce as much as the 10*d.* He could hardly believe that that impression was well founded, but he should like to know who was responsible for the mode in which this tax was collected.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I entirely agree with the hon. Baronet with regard to the importance of the question that he has brought under the notice of the House; but, at the same time, I think it is too important, and certainly too complicated, to allow of its being advantageously disposed of by a merely incidental discussion, but that it may well deserve a more distinct and detailed consideration on the part of this House. However, the hon. Baronet has put to me a question which I shall not decline to answer, while I shall at the same time notice in a very few words the more general statements he has made. In the first place, there is the question how far abuse and grievance prevail in the collection of the income tax; and, in the second place, there is the question as to who is responsible for the collection, and to whom the taxpayer should look in any case where he

Sir Henry Willoughby

has suffered hardship through the levying of the tax. I must say, my belief is that abuse is rare, and the grievance, so far as it prevails, is incidental to the nature of the tax very much more than to the conduct of those who are concerned in levying it. The general principle, or at any rate a very common practice, on the part of persons who think themselves aggrieved, is to state their case to the Chancellor of the Exchequer. Whenever I receive a statement of that kind, the case is always made the subject of regular investigation. The result of those investigations has impressed on my mind the conviction that great difficulty attends the collection of the tax, considerable inconvenience is frequently inflicted in the collection of it, and that the difficulty and inconvenience are, in the main, inherent in the nature of the tax itself. I should have less scruple in making this statement if the case stood as the hon. Baronet appears to imagine it stands. He has spoken of assessors, collectors, and surveyors, as constituting a body of persons employed in the collection of the tax. Now, it is not true, with reference to any question of responsibility, that collectors, assessors, and surveyors, constitute a body of persons, and for this reason—they derive their authority from different sources, and they are responsible to different authorities. The collectors and assessors are not appointed by Her Majesty's Government, nor has Her Majesty's Government any control over them whatever, except such as may be supplied by process of law in case of misconduct. The surveyors, on the other hand, are strictly officers of the Government, and are under the control of the Board of Inland Revenue; through that Board they are under the control of the Treasury, and through the Treasury under the control of this House. That is a state of law very peculiar, involving a great deal of possible argument and discussion; and it is one which I need not tell the hon. Baronet is, in the view of Her Majesty's Government, not satisfactory. Our opinion, however, is this, that it would be a more hazardous experiment to alter essentially the basis of our direct taxation, with respect I mean, to the principle of the law which withdraws from the Queen's Government the power of assessing the subject, as a general rule, and places it in the hands of local authorities, independent of the Queen's Government; but that the power of apportioning the taxes, which the law assigns to local au-

thorities, and, I think, assigns to them very wisely, is a matter entirely distinct from the question whether the first assessment of the tax ought to be made by officers of the executive Government or by officers appointed by local authorities. I may remind the hon. Baronet that this, so far as we are concerned, is not a new question. I have stated to this House on previous occasions that the Government are ready and disposed to take into their own hands the assessment and the collection of the direct taxes; but the hon. Baronet will, I am sure, agree with me that it would be very unwise in us to provoke a conflict upon that subject with any considerable body of public opinion in the country. We have made application to the various boards of commissioners who are intrusted both with the duty of determining the tax to be raised, and likewise with the appointment of those classes of officers. We have made application to these boards to state their views on the question I have referred to—namely, whether in their opinion, it is or is not desirable that the appointment of those officers and the assessment and collection of the tax should be taken into the hands of the Government; and the result has been, although a very large number of these boards are desirous that the charge should be transferred from them to us, so far as the first assessment and the final collection are concerned, yet we have not found that kind of unanimity, or that approximation to unanimity, which would justify our submitting a proposal to the House based upon their recommendations. The hon. Baronet and the House will clearly understand, that if the duty of the assessment and collection are to be assumed by the Government, it must be assumed through the whole country, without exception, or, at all events, throughout large areas; because if we were to undertake these duties here and there, upon minute spots of ground, and the whole system were to be intermixed at every point with the new, considerable confusion, undoubtedly, and large increase of charge to the public would be the unavoidable result; but, I do not hesitate to say, I think it would be most desirable that those duties of first assessment and collection should, if it were possible, be carried over to the Executive Government, because the consequence of that would be, that every person who felt himself aggrieved by the conduct of any assessor or collector would have a right to such re-

dress as the Executive Government could give him, or as, if the Executive Government failed to give him, this House might require.

Another aspect of the question ought to be taken into view. At present it is compulsory upon persons to assume those duties, if they are required to assume them by the local commissioners. It is a duty very often affording insufficient remuneration—frequently clashing, in the most inconvenient manner, with the private occupations of individuals; and I do not hesitate to say, although a good deal of unnecessary hardship is inflicted by the present state of the law upon the taxpayer, still greater hardship is inflicted upon persons who are sometimes called upon and required, against their will, to assume the duty of collecting the tax. I have said, therefore, it appears to me that the duties of those officers, and, in particular, the duties of the Commissioners, are in general extremely well discharged, having reference to the difficulty of the case; but, notwithstanding, I incline to the opinion that that difficulty may be in certain points diminished and limited, if the particular functions I have named were transferred to the Executive Government. I wish now to reply more directly to the question which the hon. Baronet has put relative to the manner in which a taxpayer is to obtain costs for being put to unnecessary inconvenience? Inasmuch as the assessment and collection of the taxes are in the hand of those local commissioners, who afford gratuitous services, and who have not, as far as I am aware, the command of any funds applicable to the payment of costs, I really cannot undertake to say there is any source from which a taxpayer who has had to spend time in matters connected with the assessment and payment of his income tax, can be reimbursed and indemnified for the inconvenience and loss of time. All I can say is, that Parliament, as I have said, has given to the Income Tax Commissioners the power of determining the tax to be levied, without any appeal to the Executive Government, unless in those cases in which parties have chosen originally to come before the Executive Government themselves. There is no appeal from the judgment of the Commissioners to the Executive Government; but, notwithstanding, in cases—I must say that the cases have been exceedingly rare—in cases where the Commissioners appear to have committed

some palpable error of principle, such as in any court—if the matter were one of law—would be held to justify an application for a new trial, in such cases I have thought it might be the duty of the Executive Government to give relief; but, as a general rule, the answer to the hon. Baronet must be taken to be this: the discretion to determine, and the authority to determine, the amount of taxes payable is intrusted to the Commissioners, and that there is no appeal from the decision at which they may arrive. With respect to what the hon. Baronet has said in respect of arbitrary surcharges, I have no doubt that loss and inconvenience is frequently inflicted upon individuals; but I am bound to say it is inconvenience inherent in the nature of the tax. It is no very easy matter to get at the income of a man. Either you must give most stringent powers to be exercised in the first instance, whereby the public officer may obtain positive evidence, or else you must say to such an officer, "Use due diligence and the best discretion in your power to form an estimate of a man's income upon the basis of the judgment you may so form; and then the matter will go forward for decision." One of those two courses you must take; and I am bound to say I think the course now taken is, although attended with inconvenience, by far better than the other course, which would be a course absolutely intolerable. The hon. Baronet will see, however, in the absence of the power of demanding direct evidence in the first instance, there is nothing left except the formation of an estimate according to such evidence as may be at the command of the assessors, and the evidence is necessarily, from its character, very imperfect. To arm the taxing officers with powers of investigation, in the first instance, to avoid arbitrary surcharges, would be to institute a system a hundred times more oppressive than the present system should be thought to be, even in the case which might be the worst example of its working. I am afraid the difficulties to which the hon. Baronet refers are in the main inherent in the subject matter. There cannot be, I am bound to say, a more gross misapprehension than the idea which seems to prevail in certain quarters, that because the levy of indirect taxes is a thing grievous and oppressive, we have only to levy direct taxes and we should at once get rid of all practical difficulties and inequalities. I am afraid,

The Chancellor of the Exchequer

on the contrary, the practical difficulties would be aggravated in a tenfold degree.

Mr. BENTINCK said, his hon. Friend the Member for Evesham (Sir Henry Willoughby) had told the House that in 1815 so odious and detestable was the income tax that all the documents connected with it were ordered to be burnt. He might with truth have added that the same feelings towards it were entertained in 1862; but whether it would be advisable to take the same proceedings with respect to the documents he would not say. The hon. Baronet had spoken of what he happily termed speculative surcharges, which appeared to him (Mr. Bentinck) to involve a most objectionable system. A speculative surcharge, in fact, amounted to this, that in the collection of the income tax an imaginary value was put upon certain property or income, with the chance that that over-valuation might not be disputed, and thus a man might be mulcted in that which he could not be fairly called on to pay. During the recess his attention had been called to another grievance of a serious character. He was told that in cases where persons had appealed against what was justly called speculative surcharge, they had been called upon to pay a fee to the legal functionary who conducted the investigation. Thus the monstrous injustice was imposed upon them, first, of having to defend themselves against an overcharge, and next, of being compelled to pay for so doing. He hoped the Chancellor of the Exchequer would deny his statement if he (Mr. Bentinck) had been misinformed, and otherwise that he would take the trouble to have some inquiries made on the subject. He did not mean to say that such had been uniformly the practice; but in the metropolis and in other parts of the country, he believed it had prevailed. The right hon. Gentleman had told the House that the difficulties complained of were inherent in the tax. He (Mr. Bentinck) quite agreed with the right hon. Gentleman, but it was a singular admission for the Chancellor of the Exchequer to make. Some years before, the right hon. Gentleman had expressed his reprobation of the tax, though he had since advocated the removal of other taxes less obnoxious. He hoped that when the income tax was under discussion at a future period the right hon. Gentleman would remember what he had just said as to the inconveniences that were inherent in that tax. The right hon. Gen-

tleman had further admitted that there was no fund from which the cost to which persons were put in appealing against speculative surcharges could be paid. If that were the case, there ought to be some better regulation than that which at present existed, and under which persons were put to great expense when making those appeals. There ought to be some cheaper and more simple mode of proceeding, and he hoped the right hon. Gentleman opposite would consider the subject, and take steps to put the matter on a very different footing.

Motion agreed to.

FIRES IN THE METROPOLIS.

SELECT COMMITTEE MOVED FOR.

Mr. HANKEY said, he rose to move for a Select Committee to inquire into the existing state of Legislation and of any existing arrangements for the protection of life and property against fires in the metropolis. He should have preferred, however, to have seen Government taking this step. When at a late period of the previous Session, he expressed his opinion that there was a necessity for inquiry on the subject he received an assurance from his right hon. Friend, then Secretary of State for the Home Department that he considered it to be one well deserving of attention. Having on that occasion stated the grounds on which he thought inquiry necessary he should not repeat them, more especially as he believed the Committee would be conceded. To show the necessity for legislation on the subject, it was sufficient to mention that the law as regarded London remained in the state it was in the year 1774. When they remembered the enormous increase in size of the metropolis and in the value of property since that time, it would appear extraordinary that London should be the only town left without any municipal arrangement or any Act of Parliament that was available to prevent the great risk and damage from fires. The hon. Member concluded by moving for the Committee.

Mr. SHERIDAN said, he rose to second the motion. He expected from what had fallen from the right hon. Gentleman lately, the Secretary for the Home Department last Session, that his successor would have brought forward a well-matured plan. For thirty years a few adventurers—a few companies trading for their own benefit—had been left to protect the metropolis against fire. It was now time for the Go-

vernment to either assist in carrying out the object which those companies had in view, or take the matter into their own hands. If they did not, the metropolis would be left to take care of itself; for a resolution had been passed recently by a Committee of the fire-insurance offices, in which they stated that they were not inclined to continue to protect the metropolis against fire on the present terms. The property which was exposed to so great a risk was that from which the great bulk of the metropolitan revenue was raised by the Government.

SIR GEORGE GREY said, it was agreed last Session that this was a very fit subject for inquiry before a Parliamentary Committee, and he should give his ready assent to the motion. It was, however, entirely distinct from the subject of fire insurance, and it would be desirable for the Committee to keep clear of that question. No pledge had been given last Session that her Majesty's Government would prepare a measure for taking out of the hands of the London fire offices the regulation of the means which were in operation for the extinction of fires. But when the House remembered that the law had not been changed since 1774, which imposed upon parishes the obligation of keeping a fire-engine—an obligation which in all but a few cases was most inefficiently performed—there was room for inquiry whether some change in the law was not called for under the altered circumstances of the present day. His right hon. Friend (Sir George Lewis) promised last year that the Government would ascertain during the recess what arrangements were in force elsewhere for extinguishing fires. He had obtained a complete statement of the measures taken in Paris for this purpose, and, although many of these arrangements were inapplicable to London, they might suggest some improvements that deserved consideration by the Select Committee. It was impossible not to bear testimony to the very efficient character of the Fire Brigade of the metropolis, which, under the management of Mr. Braidwood, who lost his life in the courageous discharge of his duty, reflected much credit upon the fire-offices, and was productive of much advantage to the public. Still it could not be forgotten that the offices had a direct interest in keeping up the Fire Brigade in an efficient state for the protection of property, for the destruction of which by fire they would have to pay. He was glad to assent to the appointment of the Com-

mittee, and he trusted that its inquiries might lead to an improvement in the existing law and practice.

Motion agreed to.

Select Committee appointed, "To inquire into the existing state of legislation, and of any existing arrangements, for the Protection of Life and Property against Fires in the Metropolis."

EXCHEQUER BILLS BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER: I have to ask for leave to bring in a Bill relating to two points, neither of which is altogether new, nor will the Bill create any difficulty in the practice of this House. The first provision is one to amend an Act of last year with respect to the issue or rather the reissue of what are termed Supply Exchequer bills. The necessity for this provision arose from the Act of last year. The principle on which these Exchequer bills are issued is this—that they are capable of reissue within the period of their currency, if they come back into the hands of the Government. Formerly the period of currency was one year only, and consequently any reissue of Exchequer bills under the powers given by law only affected the finances of a single year, and was a matter only capable of being taken in view by the House at the time when the Bill for the annual issue of Exchequer bills was brought under the notice of the House. But last year we passed an Act of, I think, a very beneficial character, under which Exchequer bills are not renewed from year to year. Although the interest is, as before, paid annually, the instrument and the Bill itself will have a currency of five years. It was justly observed last year by the right hon. Gentleman (Mr. Henley) that the power of reissue under the old law ought not to be extended over a period of five years, because it might so happen that a very large number of Exchequer bills might be taken up and accumulate in the hands of the Government, and that it might be in the power of the Government, before the five years were expired, to make a large reissue of these instruments of public credit without the direct control or cognizance of Parliament. I propose to re-establish the provision of the old law, and to limit the power of reissue to the year within which the bills shall be issued or paid in. The effect will be to apply the principle of the old law to the amended law now in force. The other provision of the Bill relates to a subject

which has been often under the consideration of this House, namely, the power now possessed by the Government, through the medium of the Commissioners for the Reduction of the National Debt, of funding Exchequer bills of various descriptions. That power is, in point of fact, twofold. It applies to those Exchequer bills which are called Deficiency, or Consolidated Fund Bills, instruments of credit which only pass between the Treasury and the Bank, and never go into the hands of the public. The power of funding bills of that description is, in my judgment, altogether "abusive." Whether that power was originally intended to be given or not, or whether it came into the hands of the Government by the unforeseen operation of certain words in an Act of Parliament, is a question which it is not now necessary to examine. Suffice it to say that it is the universal opinion of the officers of the Government, and of those Members of this House who have applied their minds to this subject, that the power to which I have alluded is altogether "abusive" and mischievous. It has not been exercised for a great length of time, and I propose by this Bill to extinguish it altogether. There is another power which I will not describe in such strong terms—the power of funding Supply Exchequer bills—meaning those Exchequer bills which are in the hands of the public. It has been found convenient, at periods of extended expenditure and of great financial pressure, that the Commissioners for the Reduction of the National Debt should themselves become possessed of certain amounts of Exchequer bills, and a power exists by law under which it is competent to these Commissioners, acting with the authority of the Treasury, to convert them at certain fixed rates into permanent stock. The effect is to enable the Executive Government to make additions to the funded debt of the country without the authority of Parliament. So far as I know the greater operations of the Executive Government in the exercise of this power have been useful and beneficial operations, and I, therefore, distinguish as broadly as possible between these operations and those which have taken place with regard to Deficiency and Consolidated Fund Bills which have been neither useful nor beneficial. I do not desire that the beneficial and useful powers to which I have adverted shall be brought to an end like the others, but the effect of the Bill will be to bring these operations

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under the direct view and control of Parliament. It is not that the power is a bad power, but that it is not necessary to be in the hands of the Executive, and from its nature I doubt not that Parliament will give its approval to the principle that such measures ought not to be taken without the approval of the Legislature.

SIR HENRY WILLOUGHBY observed that as far as he could judge the measure was one of a beneficial character. He however, regretted it did not go further. As he understood the important principle of the Bill was that there should be no change made in the unfunded and the funded debt, without the authority of Parliament. It appeared to him that that was a sound principle, and one which should be at once agreed to. Some years ago he contended that the Government could create a funded debt by such operations as those referred to by the right hon. Gentleman, and he was put out of court by a flat denial. The Committee, however, would deceive itself if it thought that the funding of Exchequer bills could not take place in another way than that described. He alluded to the mode in which Exchequer bills held by savings banks could be funded. Unless, therefore, the right hon. Gentleman dealt also with those bills, and brought all within the cognizance of Parliament, he would not have completely disposed of the question. When, however, he had the pleasure of seeing the measure of the right hon. Gentleman he should be better able to form a sound judgment upon it. He was very glad to find the right hon. Gentleman resolved to legislate on the subject.

Motion agreed to.

Bill to amend An Act, entitled, "An Act to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund," and to repeal the provisions of an Act by which authority is given to the Commissioners of Her Majesty's Treasury to fund Exchequer Bills, ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. PEEL.

Bill presented, and read 1^o

House adjourned at Six o'clock.

HOUSE OF LORDS,

Tuesday, February 11, 1862.

HER MAJESTY'S ANSWER TO THE ADDRESS.

THE LORD STEWARD reported Her Majesty's Most Gracious Answer to the Address as follows:—

MY LORDS,

I RETURN you My most sincere Thanks for your dutiful and affectionate Address, and especially for the Manner in which you have assured Me of your Feelings on the irreparable Loss which has been sustained by Myself and by the Country, in the afflicting Dispensation of Providence which bows Me to the Earth.

House adjourned at a quarter past
Five o'clock, to Thursday next,
half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 11, 1862.

MINUTES.]—NEW WRIT ISSUED.—For Leicester Borough, *v.* John Biggs, esquire, Steward of the Manor of Hempholme.

PUBLIC BILLS.—1^o Accidents Compensation; Marriages of Affinity; Church Rates Abolition; Metropolis Local Management Acts Amendment; Conveyance of Voters.

BIRTHS, DEATHS, AND MARRIAGES (IRELAND).—QUESTION.

MR. DAWSON asked the Chief Secretary for Ireland, Whether it was the intention of the Government to introduce, during the present Session, any measures for effecting a proper registration of births, deaths, and marriages in Ireland, and for the alteration of the present law affecting the solemnization of marriage in that part of the United Kingdom?

SIR ROBERT PEEL said, it was the intention of the Government to introduce, in the course of the present Session, a Bill for the proper registration of births and deaths in Ireland. With regard to the registration of marriages, that question was under the consideration of the Government, and he had no doubt that upon an early day he should be able to state what course would be taken in regard to it.

MURDER OF MR. WINCOTT.—QUESTION.

MR. LEWIS asked the Secretary of State for the Home Department, Whether his attention had been directed to the recent murder of Mr. Wincott, in South Street, Manchester Square, and to the investigation consequent thereon at the Marylebone Police Court on Wednesday, the 5th of February; and, if so, whether he intended to make any inquiry into the reasons which induced the presiding magistrate to sentence four of the men aiding

and abetting in the murder to the punishment of six weeks' and one month's imprisonment respectively? He understood that a coroner's inquest had been since held, and a verdict of wilful murder against all the men implicated had been returned.

SIR GEORGE GREY replied, that he knew nothing of the case except through the public papers. He presumed that the magistrate before whom the examination took place did not conceive the evidence sufficient to justify him in committing more than one of the men on the charge of murder. He (Sir George Grey) had not called upon him for his reasons. The hon. Gentleman had adverted to the fact of a coroner's jury having inquired into the cause of Mr. Wincott's death, and he was not aware until informed by him that that jury had returned a verdict of wilful murder. Under those circumstances, as the persons implicated would be brought to trial, it was obviously improper on his part to say anything in that House which might prejudice the case.

INDIAN CIVIL SERVICE.—QUESTION.

MR. STACPOOLE asked the Secretary of State for India, Whether it was considered necessary that the successful candidates for the Civil Service (India), residing in Ireland and Scotland, should be required, as heretofore, to remain several weeks in London, or to return thither from their respective places of abodes, to be inspected by a medical practitioner in London?

SIR CHARLES WOOD replied, that he had communicated with the Civil Service Commissioners with reference to this question, and they considered it absolutely necessary that the successful candidates should be submitted to medical examination by their officer in London. The examination must necessarily extend over several days, and the prize offered being very high he did not think this necessity could be regarded as any great hardship. The Secretary of State allowed £100 to each candidate for expenses, and they might fairly be called upon to defray out of that all the expenses of the journey.

LORDS COMMISSIONERS' SPEECH—THE ADDRESS—HER MAJESTY'S ANSWER.

THE COMPTROLLER OF THE HOUSEHOLD reported Her Majesty's Answer to the Address as follows:—

"I thank you sincerely for your loyal and dutiful Address, and especially for

Mr. Lewis

your affectionate Condolence, and the concern you have expressed for My deep affliction."

BUSINESS OF THE HOUSE—THE ESTIMATES.—RESOLUTION.

MR. WHITE rose to move

"That so soon as the Estimates are ready, one night in each week be given to their consideration; Motions on going into Committee of Supply not being permitted on that day, except by special order of the House."

This was not at all a party question, and he counted upon the co-operation of hon. Members on the other side of the House with as much confidence as he did upon that of those among whom he sat. He might say more—that, judging by the results of the last Session, very many hon. Members opposite showed much more zeal and desire to promote economy and to support retrenchment than many of those Gentlemen on his own side who ostentatiously put themselves forward as the champions of Financial Reform. Seeing that so very humble and inconspicuous a Member as himself sought to bring forward this Motion, he thought it due to the House that he should explain why he did so. On the 28th of June last, when they had a discussion on the business of the House, he was induced, as representing the listeners of the House—and he might say, without egotism also, that portion of the House which, by constant attendance and the punctual performance of their duties, tried to do their best for their constituents—in that capacity he was induced to make a suggestion that one day in each week should be set apart for the discussion of the Estimates. That suggestion received some favour from the House, and a great deal of favour outside the walls of the House. He well remembered that on one occasion the noble Lord at the head of the Government dwelt most feelingly on the state of matters in reference to public business. On that day there were 200 Votes to be passed in Supply, and on the Notice Paper for one evening there were twenty-nine Notices of Motion previous to going into Committee of Supply. The hon. Member for Dumfries (Mr. Ewart) in consequence of that discussion, on the 2nd August moved a series of Resolutions—one of which was to the exact effect of the one which he had now the honour to propose. That also was received with much favour by the House, and the right hon. Secretary for the Home Department rose in his place and said—

"The House would, therefore, he hoped, at the beginning of the next Session see reason to agree to the first Resolution, the adoption of which would not, he thought, unduly infringe on the rights of the private Members." [3 *Hansard*, clxiv. 1871.]

Seeing this, he (Mr. White) was encouraged thus early to bring the matter before the House; and it was but due to his hon. Friend the Member for Dumfries, who gave notice at the close of last Session that he should bring forward his Resolution again, to say that he had kindly yielded to him (Mr. White) who originally made the suggestion, and agreed to second the Motion. He was not unaware that they had had several Committees who had taken into consideration the modes of procedure of that House. There was one in 1837, one in 1848, and another in 1854, and also one last year. With reference to the last Committee, however, he would observe that its number, twenty-one, consisted, with one or two exceptions, of Ministers, ex-Ministers, or expectant Ministers; and seeing the large portion of the public time which they would necessarily have to occupy, he could quite understand that they should treat most tenderly and with the utmost care any proposition which might seem to interfere with the rights of private Members. On May 30, of last year, a Resolution was come to, based on the recommendations of that Committee. The object of those recommendations might be gathered from an extract from the evidence of Lord Eversley, who said—

"In all the improvements we have endeavoured as much as possible to let the House understand exactly what questions they will have to discuss, and to prevent surprises, and also to give some certainty to our proceedings."

The present Speaker strongly corroborated that opinion, and the Chairman of Ways and Means also urged the necessity of a closer approximation to certainty in the arrangement of public business. The constant object, therefore, was to prevent surprises and give certainty to their procedure. He might say that he was not at all wedded to the terms of his Motion. He brought it before the House in the fullest confidence that it would be treated in the manner it deserved. Had he consulted his own feelings, and deemed it fit to present a Resolution to the House on this subject, he would have preferred to frame a Motion based upon the suggestion of the Speaker, which was that the House having once gone into Committee on any branch of the Estimates, for the four great branches of

the public service—namely, the Army, the Navy, the Revenue Department, and the Civil Service—the Committee might resume its deliberations on the Order of the Day without the Question being put, and, consequently, without the interposition of notices of Motions. In a word, that the same rule of progress that prevailed with regard to Committees on Bills might be extended to Committees on these four heads of Estimates. The adoption of that course was suggested to the Committee of 1854, but did not meet with the assent of that Committee. He thought he had shown to the House that there existed some necessity for a change in the present mode of proceeding. Again, in illustration of the uncertainty that prevailed in regard to progress in Committee of Supply, he could refer to the waste of time occasioned by Notices of Motion. In 1860 there were 157 Notices of Motion upon going into Committee of Supply, and upon each of the eleven occasions on which the House went into such Committee, there was wasted in the discussion of those notices, on the average, three hours. He could quite understand why, in previous Sessions, Members should be impatient of any encroachment upon their privileges that would deprive them of the opportunity for having a full and free discussion upon questions that they considered it was desirable and important to bring to the notice of the House; but it must be recollected that now on Friday nights full opportunity was afforded to Members for bringing before the House matters that they might deem of pressing interest. He did not, therefore, see why hon. Members should now object to his proposal. In order to show how heterogeneous were the questions that were raised by these motions, he held in his hand a list of some of the subjects that were brought before the House upon the motion for going into Committee of Supply on one evening of last Session. There were the subjects of Austria, New Zealand, Irish Education, the Lebanon, the Partry Evictions, Sardinia, Ecclesiastical Registrars, Mr. Adair, China, Non-intervention, the New Foreign Office, and the Civil Service examinations. Now, with all respect to the hon. Gentlemen who brought forward these questions, he put it to them whether any public interest would have been injured if they had done so on the Friday instead of upon the Motion for going into Committee of Supply? He did not undervalue the privileges

of honourable Members, and he would be the last person to do anything that would have a tendency to fetter the freedom of discussion in that House. He knew he should be told that he was putting forth an irreverent hand on the Ark of the Constitution and upon the time-honoured privileges of independent Members; that the right which he thought they might now dispense with was the palladium of our liberties, and that he had not sufficient respect for those glorious traditions that were bound up with the history of Parliament. But he must remind those who raised this objection that the whole aspect of society had been changed since the days when the only chance which our ancestors had of representing their grievances was when the Crown came to ask them for grants of money. All that he wished to destroy was the power which every hon. Member now possessed of caracolliing his hobby without reference to the feelings of other hon. Members. He did not forget that formerly, when the Crown asked for a grant of money the subject was entitled to have his grievances stated; but he also remembered that with our ancestors that was the only chance of pressing their grievances upon the Crown. That, however, was not the case now. Moreover, a most powerful element that had effected a great change in the condition of affairs had been brought into action—he alluded to the power of the press. It could not be supposed that in the present day the country would ever suffer from aggressions on the part of the Crown; but there was a fear, in which he shared, of aggressions from a bureaucracy; and the time might arrive when, unless some method were adopted by which they would be enabled to examine thoroughly and carefully into the expenditure of the country, they might come to be governed by clerks instead of statesmen. In reference to this subject he could not help referring to the increasing magnitude of our expenditure, which was admirably shown in a return moved for by the hon. Baronet, the Member for Evesham (Sir Henry Willoughby), in the last Session. On reference to that Return, he found that in the year 1835 there was voted for the army a sum of £7,484,350; in 1861 the amount was £15,273,751. The expenditure upon the navy amounted in 1835 to £4,245,723; in 1861 it reached £12,276,250. The united services therefore cost in 1835 £11,730,073; in 1861, £27,550,001. In 1835 the

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Miscellaneous Estimates amounted to £2,393,182; in 1861 they had reached £7,848,069. The total sum voted in Supply in the year 1861 was £35,398,070; the sum voted in 1835 was only £14,123,255; and in making this comparison he had deducted from the amount voted in 1861 a sum of five millions, which was thrown upon Supply by the adoption of the system of paying the gross revenue into the Exchequer. Thus, since the year 1835 the expenditure upon the Army had doubled, and that upon the Navy and Miscellaneous Services had trebled, and during that time Parliament had exercised no supervision or strict examination of the expenditure, but had uniformly voted any amount of money for which the Government chose to ask. There was one remarkable fact in connection with this appalling amount of expenditure, singular as it might appear, that, during this long course of years, the supervision that had been exercised with regard to the expenditure had literally done nothing to abridge the amount of the estimates or to save the money of the country; and whatever may have been the demands of the Government, the amount had been almost uniformly voted by that House, for during the whole of the period named the only subtraction from the Estimates was made in 1858, when the House, in a fit of virtuous indignation, struck off £300, the allowance for travelling expenses to the purchaser for the National Gallery. In 1859 an item somewhat similar in its character was struck out of the Estimates, but was afterwards reinstated. Of its numerous and varied functions, that which the House of Commons performed in the manner least creditable to itself was the duty of voting the Supplies and demanding a strict account of the expenditure of the country. In the deservedly popular *Constitutional History* of their accomplished and excellent clerk, Mr. May, he found the following passage:—

“So far from opposing the demands of the Crown, the House of Commons have rather laid themselves open to the charge of a too facile acquiescence in a constantly increasing expenditure. The people may have some grounds for complaining of their stewardship, but assuredly the Crown and its Ministers have none.”

It was not in the interest of Ministers, but acting on his own convictions, that he brought forward this motion, and he trusted to have the support of hon. Gentlemen on both sides of the House. He did not pin himself to the exact terms

upon the paper, but was willing to submit to any modification which might more effectually accomplish the object he had in view, which was to give to the House of Commons some practical control over the expenditure of the country. Instances occurred last Session in which the hon. Baronet the Member for Evesham (Sir Henry Willoughby) the hon. and gallant Member for Chatham (Sir Frederic Smith) and the hon. Member for Lambeth (Mr. Williams), though prepared to discuss particular portions of the Estimates, had been deceived by the number of preliminary notices on the paper, and, Supply coming on unexpectedly, the different items had been voted, without comment, in their absence. It was to the credit of the noble Lord the Secretary to the Admiralty that, having the opportunity of running the Naval Estimates through in a House containing not more than a score of members, he had reserved two Votes with regard to which he knew that a strong feeling and desire for discussion prevailed, because of the absence of hon. Members whom he knew to be interested in them. He would now move the Resolution, which he said he was encouraged to submit by the favour with which a similar proposition had been received last June, because he felt persuaded that there must be in the House, as there was out of doors, a feeling that hon. Members ought to address themselves more diligently to the Estimates when submitted, and that additional opportunities ought to be afforded for discussing them at length, seeing, too, that they had now attained to such a portentous magnitude.

MR. W. EWART seconded the Motion. Last Session he himself introduced Resolutions calculated to accomplish this very purpose, but it was an act of courtesy as well as of justice to give his hon. Friend on this occasion the precedence to which he was entitled. Every improvement in the conduct of public business was of great importance and value; and he believed the present Motion to be of a practical character. While insuring, to a certain extent, the transaction of public business by giving certainty to the time for taking it, it would have the additional advantage of securing to hon. Members who came down, on a day fixed by the Government, prepared to discuss particular propositions, the opportunity of being heard. Both the present Speaker, and the late Speaker, Lord Eversley, in their evidence before

the Select Committee, had declared it to be of the utmost importance that certainty should prevail as to the business of the House—a result to which he ventured to think this Motion would conduce. The Committee of last Session, and the members of it individually, made several suggestions. He was anxious to learn how far these suggestions would be acted on by Government—particularly one with regard to Bills referred to Committees, which he thought of great importance. Hon. Members could not but feel that under the present procedure they were injuring their own health, and wearing the public patience, by nocturnal and post-nocturnal sittings unattended with any adequate results.

Motion and made, Question proposed,

“That, so soon as the Estimates are ready, one night in each week be given to their consideration; Motions on going into Committee of Supply not being permitted on that day except by special order of the House.”

SIR GEORGE GREY: The hon. Gentleman for Brighton (Mr. White) has correctly stated what took place just before the close of the last Session of Parliament on this subject. In the first week of August the hon. Member for Dumfries submitted a string of Resolutions relating to the manner of conducting business in the House, and among them was the Resolution now moved by the hon. Member for Brighton. On that occasion I stated my objections to four out of the five Resolutions he proposed; but expressed, at the same time, my concurrence, not in the form, but in the substance of the other Resolution proposed by my hon. Friend, and now again submitted to the House. I thought it would conduce very much to the progress of a branch of public business, which I regard with him as one of the most important the House has to perform, if, on at least one day in the week, when Committee of Supply stood first upon the paper, it were known that the question of Supply would certainly be entered upon without the intervention of preliminary debates. I admit there is considerable force in what the hon. Member stated, that on many occasions these preliminary debates on the Order for going into Committee of Supply have lasted to a very late hour, and that after the House has been left in utter uncertainty as to the period at which these debates might end, and when the attendance has become thin, the Speaker has left the chair, the Chairman

of the Committee of Ways and Means has taken it, and the Estimates have been gone through, perhaps, in a manner hardly becoming the importance of the subjects under consideration. I stated at the same time that I thought a Resolution of this kind—I speak of the substance, not of the form—would not encroach unduly on the rights and privileges of private Members of the House. About two years ago the House sanctioned the practice of giving a third Order day (Thursday), with the express object of advancing public business. Previously to that the Government had only the command of two days, Monday and Friday, upon which Committee of Supply could be taken, and on Thursdays it would still remain open to hon. Members to raise discussions on the Motion for going into Committee of Supply. If, as a general practice, Thursdays were specially appropriated to the consideration of the Estimates, and if on that day, Supply being the first Order of the Day, the Speaker were to leave the chair without Question put, and the House were immediately to resolve itself into Committee, I believe the Estimates would undergo a more searching investigation, and this branch of the business of the House would be more satisfactorily conducted. There would still remain to hon. Members the Monday and Friday, when, Supply standing as the first Order, it would be competent for them to make any Motion they pleased as an Amendment to that Order, or to call the attention of the House to any pressing and urgent business. The utmost delay that could take place, by not allowing this on Thursdays, would be one of twenty-four hours; and if a grievance of such magnitude should present itself that it could not admit even of that delay, no doubt, the House would relax its rules for that particular occasion, and allow the subject to be brought forward. I am, therefore, of opinion that, in substance, the change proposed by the hon. Gentleman would conduce to the more efficient despatch of business and to the more satisfactory discharge of one of our most important duties; and, further, that it would not operate injuriously by imposing undue restrictions on private Members. I think, however, that the Motion of the hon. Gentleman, as it is now worded, would not effect the object which he has in view. It states that “Motions, on going into Committee of Supply,” are not to be permitted on the particular night in each week which is

to be devoted to the consideration of the Estimates; but it would still be open to any hon. Gentleman to call attention to a subject without making a Motion, and thus might involve a debate just as long as any that might take place on a Motion. Again, I think the qualification “except by express permission of the House” would rather imply that such permission might be asked without any very pressing necessity, and it would be open to any hon. Member to make a statement while asking for that permission. I think it would be better to have a Resolution in some such words as these, “Whenever on Thursday Supply stands the first Order of the Day the Speaker shall leave the chair without allowing any debate on that Order.” As the hon. Gentleman has observed, this question has been a good deal considered by various Committees on Public Business. In 1854 the question was entertained by the Committee which sat in that year; but then there were only two days in each week on which the business of Supply could come on. Since then there has been the change to which I have alluded; and if Thursday was now named for the purpose suggested by the hon. Member, the adoption of the principle of his Motion would be free from the objection, which at that time existed, of its unduly limiting the power of hon. Members to call attention to matters of grievance on the Motion for going into Supply. There was, in the Committee also, the suggestion that a rule of “progress” should be adopted; and that was carefully considered. But it may be very desirable that on the first night on which the Army Estimates or those of the Navy are brought forward, the representatives of either of these branches should have an opportunity of making an explanatory statement without the intervention of a preliminary notice. Consequently, it was felt that, if the rule of “progress” was strictly to apply, any hon. Gentleman who might waive his privilege on the first night would be debarred from making Motions on any subsequent occasion when those Estimates were brought forward. The rule now proposed would not be open to that objection, for it would always be competent to the House to fix Supply for Monday or any other day on which the rule would not apply. I would observe that while I concurred in the principle of this Motion last Session, I thought it would be very inexpedient to ask the House

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in the month of August, in a thin House, to agree to a Resolution which, no doubt, would make a very material change in the business of the House. As this change is now proposed at an early period of the Session, I have no hesitation in expressing my opinion in its favour; but I am bound to say that I think a change of this kind could only be adopted with the general concurrence of the House. It is a matter in which we are all equally interested, and if it even met the opposition of a large minority, I think it should not be adopted. If, however, it is the general opinion of the House that this rule ought to be made, I shall be very happy to give notice for a future evening of a Resolution framed in terms similar to those which I have suggested; but I shall be guided very much by the expression of an opinion on the part of the House.

MR. PAULL said, that on a former occasion, he ventured to propose that with one class of the Estimates the rule of "progress" should apply; but he confessed that he had been converted by the arguments brought forward in that House, and he now ventured to oppose the Motion of the hon. Member for Brighton. The right hon. Baronet the Secretary of State for the Home Department had expressed himself favourable to the Motion in a modified shape; but notwithstanding the high authority of the right hon. Baronet he could not but think that it would be very inexpedient. In the first place, it would be an interference with an extremely valuable privilege possessed by the Members of the House; and in the next, it would be a departure from the principle laid down in the antiquated expression that grievance should precede Supply, which for so long a period had been a constitutional maxim of Parliament. It was either good or not good that that principle should be retained as a constitutional maxim: but the proposal of the right hon. Baronet was that this principle should be broken through. ["No!"] It was clear that if they once agreed that on one night in each week the House should go into Committee of Supply without any Motion for the Speaker leaving the chair, it would not be long before the same rule would be extended to every Supply night. The constitutional maxim to which he had referred had been upheld by successive Committees of that House. The question had been carefully considered by four Committees—by the Committee of '37; by the Committee of

'48, over which the present Speaker presided; by the Committee of '54, presided over by the right hon. Baronet the Member for Droitwich (Sir John Pakington); and by the Committee of '61, of which the late Sir James Graham was chairman. Each of those Committees had declined to make any recommendation which would involve a departure from the principle that grievance should precede Supply. The privilege which independent Members had of bringing forward questions of importance on the Motion for going into Supply was a most valuable one to the country, and he thought they ought to be very slow to part with it. It was quite true that under the present system Supply was often thrown back to a very late hour: but the same was to be said of almost every class of business coming before that House. He hoped the House would not be prepared to adopt the proposition of the hon. Member for Brighton in any shape or way, notwithstanding any support which it might receive from the right hon. Baronet on the part of the Government.

MR. W. WILLIAMS said, that the hon. Gentleman objected to the Motion because he thought it was opposed to the constitutional principles of the House. Now, in his (Mr. Williams') opinion the House of Commons had no more important duty to perform than that of examining into the public expenditure, and seeing that the taxation of the country was properly applied. But this duty was at present anything but efficiently discharged, through the want of proper time to discuss the Votes in Supply. Every Supply night they saw ten, or fifteen, or twenty Motions on the paper which were entitled to take precedence of Supply. And what was the character of these Motions? Why, they interested no one except those who brought them forward? He had known instances of these Motions occupying the House until midnight, when some Member of the Government proposed to go into Committee of Supply on the Army Estimates. When objections were made to going into Supply at so late an hour, it was not unusual to be told that unless the House agreed to the number of men the Mutiny Bill could not be passed in time. Then, when the number of men had been agreed to, it was said, "What! can you object to pay them?" The House might almost as well pass the whole of the Army Estimates, amounting to £14,000,000

in one vote, as to agree to the number of men and their pay without discussion. He trusted that hon. Gentlemen on the opposite side of the House would not object to some Motion of this kind. An increase of expenditure had been going on year after year, which was very much attributable to the want of fair time and opportunity of discussing the Estimates. The average expenditure between 1830 and 1840 was less by £20,000,000 than that of last year and the Estimates for this year. To come down to a later date, the expenditure in 1851, 1852, and 1853, when the right hon. Gentleman (Mr. Disraeli) was Chancellor of the Exchequer, and when the present Chancellor of the Exchequer filled the same post in the Government of Lord Aberdeen, was upwards of £16,000,000 less than that of last year. The increase was thus seen to be very nearly double the amount of the income tax. It was time for the House of Commons to take this matter seriously in hand, and to adopt some means by which they might be able to confine the expenditure to the actual necessities of the public service. One great improvement would be to bring forward the Estimates at an earlier period of the Session and at an earlier hour of the evening. At the beginning of the Session the House was seldom engaged for the best part of six weeks in transacting any business of importance. If the Government were ready as soon as the House met to go on with the Estimates they could be discussed at once. If, too, they began to discuss the Estimates at five o'clock it was incredible what an amount of business could be got through. When, however, they were deferred until late hours, hon. Gentlemen came in very much disposed for discussion without having much knowledge of the various subjects, and, consequently, very little progress was made. He trusted that the House would sanction the proposition of his hon. Friend with the modification suggested by the Home Secretary.

MR. H. BAILLIE said, the hon. Member for Lambeth seemed not to understand what the right hon. Baronet the Home Secretary had said. The right hon. Baronet had given a satisfactory answer to the proposition of the hon. Member for Brighton, namely, that if his Motion were agreed to in its present form, it would not ensure the purpose or object which he had in view. That he (Mr. Baillie) thought was a satisfactory answer, and, therefore, he would

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not dwell any longer upon the Motion of the hon. Member for Brighton. But the right hon. Baronet (Sir George Grey) said he was not indisposed to bring forward some Motion of his own upon the subject. That he (Mr. Baillie) thought was a question which might be very fairly brought before the House. He trusted that the right hon. Baronet did not mean, in bringing forward his Motion, to preclude hon. Members in that House from submitting Motions in Committee of Supply having reference to Supply itself. It would, he thought, be a monstrous thing to deprive independent Members of the power of making observations on questions connected with Supply on the Motion for going into Committee of Supply. He could well understand the great inconvenience arising from extraneous Motions being brought forward, and he should be very willing, when the right hon. Baronet brought forward his Motion, to take that subject into his consideration. As he had said before, he trusted that no change would be made which would have the effect of preventing independent Members from bringing forward questions having reference to Supply itself.

MR. WALPOLE :—The hon. Member who brought forward this Motion apologized for so doing ; but, when that Motion was supported by the approving cheers of so many hon. Gentlemen, I am quite sure that the apology, instead of being needed, ought rather to be offered by those who are opposed to the Motion. Entertaining, as I do, a very strong opinion on this subject, I wish the House to be a little on its guard before it adopts any Motion affecting our course of procedure which may diminish that power of check and control which the unofficial Members of this House ought to have over the Executive. That is a main reason why I think we ought to preserve that which is, not the written, but the unwritten and prescriptive law and usage of this House—namely, that on all occasions when the Government desires to have money the unofficial Members of this House shall be entitled to put any question to the Government, to submit any point that may require an answer, to suggest any grievance that may require a remedy, and to have such assurances from the Government in respect to these matters before it grants the money which may enable the Government to bring the Session to a close before those matters are attended to. I quite agree with the hon. Gentleman who has

seconded this Motion, and also with my right hon. Friend the Secretary of State (Sir George Grey) that you would insure by the proposition which the Secretary of State has submitted to us a greater certainty and a greater regularity in your proceedings if you went at once into Committee of Supply. That is the only advantage you will gain by the adoption of that course. But now let me ask what will you lose? If you once go into Committee of Supply, the first Estimates which will be laid before you are the Army and Navy Estimates—the Estimates for the great services of the State. You are asked to go into Committee of Supply without any previous discussion at all. Why, if you go into that Committee at five o'clock without discussion, I would venture to say that the great Votes in those Estimates—the Votes upon which the Estimates entirely depend—namely, the number of men and the money to pay them, will be taken at once, and the only question left for consideration will be those relating to matters of mere detail. If that be so, where are you? You will have parted at the early part of the Session with that control over the public expenditure which Parliament ought never to give up, because, by your first Votes, you have given up the very substance of that upon which all the other Votes are taken. Now, the hon. Member for Lambeth (Mr. Williams) and the hon. Member for Brighton (Mr. White) have thought that they would get a greater control over expenditure by altering the form of procedure. [Mr. WILLIAMS: Hear, hear!] Well, you would go into Committee of Supply at five o'clock. When is the time when Members of this House are most slack in attendance? Why, between seven and ten o'clock. Where then will be the control over expenditure? The hon. Member for Lambeth and the hon. Member for Brighton will argue that there will be the same control as before. The hon. Members will, no doubt, discuss particular Votes; but they cannot travel an inch beyond the particular Votes before the House, and the collateral questions connected with them cannot be debated or even entertained, because you refuse to allow attention to be called to them on going into Committee of Supply. If, therefore, the hon. Member for Lambeth and the hon. Member for Brighton are in earnest in their desire to control expenditure, I am confident that they can do it better by adhering to the old usages of

the House than by inducing the House to give up that usage which enables hon. Members to exercise a control over the Executive Government,—a control so useful, nay, so necessary, that the House of Commons ought never to abandon it. Is there nothing else to consider in reference to this subject? For many years we have tried to improve the course of procedure, and we have improved it. Many suggestions have been made by hon. Members and by Speakers, and by you, Sir, as much as by any others, for you, Sir, in 1848, presided over a Committee which made recommendations considered with the greatest care and prudence. Now, the last two Committees which sat upon the forms of procedure in this House have had this particular question referred to them, and both have refused to recommend any such change as is now proposed. These Committees were composed of the most influential Members of the House, and the opinions of those Members have been confirmed by the House when the subject-matter was brought before it again. But what have those Committees done? Have they done nothing to diminish the opportunities which independent Members may have of bringing forward questions when and how they please? Why, they have shut up almost every avenue to the independent Members, and they will shut every one if you give up this power. Upon the Order of the Day for Committee of Supply being read you may call the attention of the House to any subject to which you wish to have attention called. You had two days in the week when Members not connected with office might bring forward their Notices of Motion. One of those days is taken away. I do not complain of that; I believe it was right and expedient to do so. But you must bear in mind that already your opportunities of independent action have been taken away one after another, and now it is sought to take away that very opportunity which the House of Commons has retained, as its last fundamental privilege—namely, the right to say, “I will not grant one shilling of money until the people of this country have had an opportunity of having all their grievances and all their complaints, if they have any, brought before the House.” I do not wish to travel any further in that direction. I think that after the remarks of the Secretary of State (Sir George Grey) the hon. Member (Mr. White) will hardly persevere with his Motion. If so, I

trust I am not asking anything unreasonable when I express a hope that we shall not be asked to decide on the question this evening, and that we shall have time to consider the terms of the right hon. Baronet's proposal before we are asked to give a definite opinion upon it. Before I sit down, I cannot part with this subject without requesting hon. Gentlemen to read the Report made by the Committee of last year—a Report drawn up by a man whose grave authority, whose wise administration, whose thorough knowledge of the business of this House, and of the Constitutional principles upon which we ought to act were unsurpassed—the voice of that man will be no more heard in this House. But his Report is there; and I know, from conversations with him, that if there was one point more than another upon which he was anxious, it was that you should not part without the gravest deliberation with any of those powers and authorities which the House, as an independent body, ought to exercise and keep for itself. Sir James Graham, unfortunately, is taken away from among us, the gap which his death has made in this House, is a gap which will not be easily filled up. [*Continued cries of "Hear, Hear!" accompanied these sentences.*] I feel that the whole House subscribes to this opinion, and I will, therefore, only once more entreat them to bear in mind that almost the last words that he may be considered to have addressed to this House are the words contained in that valuable Report, in every sentence of which I most heartily concur, and in the conclusions of which, by the observations I have made, I have endeavoured to give a feeble but most hearty support.

SIR GEORGE LEWIS: The right hon. Gentleman who has just sat down put the point at issue before the House very fairly when he said that the question was whether the adoption of the rule proposed would or would not facilitate the free and ample discussion of the Estimates. Upon that issue I am perfectly willing that this question should be tried, and I submit my opinion to the House, that the adoption of this rule would facilitate that discussion. Some of those Gentlemen who take the greatest part in those discussions have expressed an opinion that our rules should be altered in the manner pointed out, and I concur with them in that opinion. I will shortly state my reasons. I think it must be admitted that it is important that when the House makes orders for the con-

duct of its business those orders should not be evaded. By the present rules of the House there is one night which is entirely given over to Notices of Motions of unofficial Members—namely, Tuesday; one day is entirely devoted to the orders of unofficial Members—namely, Wednesday; and there is another night which is practically a night for the notices of unofficial Members—namely, Friday; and, therefore, the right hon. Gentleman took an inaccurate view of the nature of the change which was effected last Session, when he said Friday was taken away from independent Members. It was merely a change of form, that instead of the speeches being made upon the question of the adjournment till Monday, they should be made upon that of the Speaker leaving the chair upon going into Committee of Supply, the order for Supply being invariably placed first on the paper for Friday. Therefore, at present practically there are two notice nights and one of the order days which are exclusively at the disposal of unofficial Members—namely, Tuesday, Wednesday, and Friday. It is a rule of the House that Government orders shall have precedence on Thursday and Monday. It clearly must be the intention of the House that Government orders should come first on those nights. Now, it is well known that, before Easter, the order which usually comes first is the order for going into Committee of Supply. But the rule, as it is, enables hon. Members to stand between the House and this Motion, and they convert in a great measure, these nights into notice nights. It is well known that a very considerable portion both of Monday and of Friday is occupied not by the discussion of Government orders but of notices of Motion. The consequence is that the rule of the House with respect to the precedence of orders on these two nights is absolutely frustrated, and nearly the four nights of the week—setting aside Wednesday—are devoted to notices of Motion. That is the practical effect produced on the business of the House before Easter, and the consequence is that the discussion of the Estimates is greatly delayed and impeded, and the legislative business is thrown to the end of the Session, and contracted within an inconvenient space of time. The proposal submitted to the House, I confess, seems to me to be reasonable. Its object is that hon. Members should not be in a state of uncertainty on a Thursday, say, as to

when the Committee of Supply would come on, but should know when they come down to the House that at half-past four or five o'clock, when the orders were called on, the Committee of Supply would occupy the rest of the night. But if there should be a string of preliminary questions on the paper relating to the most heterogeneous and miscellaneous subjects, Members are then left in a state of uncertainty as to how long those previous discussions would last, whether till eight o'clock or ten o'clock; so that when they come down they find the Motion for Supply has been carried in their absence, and great inconvenience is the result. What is proposed is, that on one of the two Government order nights in the week there should be a certainty, when the Committee of Supply stands first, that that subject would be discussed in inviolable precedence to all other questions. That does not seem an unreasonable order to make; nor could it lead, I think, to those very formidable consequences which my right hon. Friend opposite sketched out in a tone, I conceive, rather more exaggerated than the truth of the case warranted; because, undoubtedly, there would still remain the opportunity of making Motions on the other Supply night, and on the Supply order on Friday, or of giving notice for the Tuesday. As to the possibility of the Government hurrying forward the Estimates and closing the Session before the House had an opportunity of hearing the representation of important grievances, I think that is a contingency not very much to be dreaded. I cannot but think that, if the House looks at this matter dispassionately, it would see that this alteration in the proceedings would tend not to the convenience of the members of the Government, because they have to attend in their places every night, and it is a matter of indifference to them at what hour the Estimates come on; but it is of serious consequence to unofficial Members of Parliament, not constantly present in the House, to know for a certainty when the Estimates would come on. I think it would be found to conduce to the general convenience that there should be one night in the week on which hon. Members might be certain when they saw the order for a Committee of Supply in the paper, that that would be the business proceeded with.

MR. DISRAELI: Sir, I did not clearly understand whether the right hon. Gen-

tleman supports or opposes the Motion of the hon. Member for Brighton; and it would be inconvenient, in case the right hon. Gentleman is opposing the Motion, to be on this occasion discussing the merits of another Motion not at present before us. I think that we should first of all dispose of the Motion of the hon. Member for Brighton; and to that I have no hesitation in saying that I am opposed. The Motion is, that immediately after the Estimates are duly before us a day should be fixed in each week when grievances may not be discussed before Supply is granted. Now, at the first blush there appears great inconvenience in such an arrangement, for in a certain state of public business Ministers might be much incommoded by being compelled to proceed with Committee of Supply. Supposing they had brought forward a great measure, ardently anticipated by their party, and wished to proceed with it continuously, they would then feel it extremely inconvenient to have a Committee of Supply interposed in their way. Suppose this was some great measure, on the pledge to pass which the Administration had been founded and supported after meetings held at celebrated localities without the walls of this House, and that the Government were called on in fulfilment of their pledges to carry out the intentions of such meetings, would the hon. Member for Brighton, in the midst of that enthusiasm, have a check put upon the Government by compelling them to go into Committee of Supply? I am sure the hon. Gentleman is of too ardent a temperament himself to submit to such control for a moment, and therefore he will see that managing affairs in Parliament is not such a mere methodical matter of business, when you have to deal with the passions and desires of a large body of men, as some persons might suppose. I take it for granted that the House will never agree to a regulation that immediately the Estimates are laid on the table, we should proceed once a week compulsorily with Supply. I, therefore, anticipate that the Motion will be negatived, and I think it would have been better if our discussion of the subject could finish with that result. But after the observations which have proceeded from the Treasury Bench it would not be courteous or convenient to let the matter rest there, because we have a counter project, not proposed, but recommended to our consideration by

the Government—namely, that one day in every week—not compulsorily but at the option of the Government—should be set apart for voting Supply, without grievance first considered. That is the proposition of the Government, and, no doubt, one much more practicable, at any rate, than that of the hon. Member for Brighton. But, as my opinion, like the opinion of every other hon. Member, has been solicited by the Government, I think I am bound to say that there appear great objections to setting one day apart, even optionally, for voting Supply without the previous consideration of grievances, if necessary. I have not heard any answer from the right hon. Gentleman the Secretary of State to the just observations of the hon. Member for Inverness-shire (Mr. Baillie); and I should like to know whether you mean to prevent Motions being brought forward on the night thus set apart for Supply which are relevant to Votes of Supply. [Sir GEORGE GREY: No amendments can be brought on in Supply on particular Votes.] I did not allude to particular Votes, but to the general subjects to which those Votes refer; and that is far more important. I do not think that the House would ever submit to a restriction of that kind. But the question is, what we should gain by the proposed change in the character of the proceedings of this House? As far as I can collect, the only argument in its favour is the convenience of certain Members interested in certain Votes, who, if they wish, under the present circumstances, to make use of the Parliamentary opportunity of canvassing and controlling these Supply Votes, must absolutely submit to the unheard-of and unjustifiable inconvenience of being in their places in the House of Commons. If that be the only reason in favour of the suggested alteration, I confess that it does not weigh much with me, who am generally in my place. As to the arguments of the hon. Member for Lambeth (Mr. Williams) they do not refer to the question before us. The hon. Gentleman says that, in consequence of the passing of the Reform Act thirty years ago the expenditure of the country has since greatly increased. Does he really think that if one day in the week is allotted to voting Supply he will have a better opportunity, than he might have enjoyed before, of reducing the expenditure? Surely, the hon. Gentleman is not a stranger in his place, and has not been scant of speech on the sub-

ject of expenditure for now about a quarter of a century. I do more justice to the abilities, exertions, and influence of the hon. Gentleman than he, with characteristic modesty, is prepared to award to himself, when I say that all his observations have been well considered both by the House and the country. But if, after twenty-five years of devoted exertions, he has not succeeded in reducing the expenditure a single stiver, that is evidence of the most satisfactory kind that the Administration of the country has been conducted in a more business-like and a purer manner than the hon. Gentleman has ever admitted. Then we are told, as an inducement to agree to the proposed change—which I concur with the right hon. Member for the University of Cambridge in deeming to be one which, if the House ultimately decides on it, demands the greatest consideration before its adoption—that there is a great advantage in insuring regularity and certainty in our proceedings. Regularity and certainty are, no doubt, estimable qualities, but in a popular assembly there are qualities still greater and more valuable, and those qualities are patriotism and public spirit. The function of the House of Commons is not merely to transact public business, but to express and represent public opinion; and of those two functions the duty of representing public opinion is the most important, and that for which the House of Commons has most distinguished itself. You will never get a large body of men like this popular assembly, of which it is our pride to be members, who will conduct their business with the precision, regularity, and certainty of a public office; but you will find in an assembly constituted like this that deep sensibility to public feeling, that quickness in the appreciation of opinion, that determination to redress the grievances of the people, and that resolution to vindicate their rights and privileges, which can only be found in a numerous assembly constituted and elected as we are, and we must look to these higher duties and these more important qualities of the House of Commons when we consider the programme according to which the proceedings of the House are to be regulated. It is very possible that time may be now wasted; but however you change our rules and regulations, time must necessarily be still wasted in an assembly constituted as this is. Is it, let me ask you, desirable that you should

forego the great objects which I have indicated? Are not the people out of doors satisfied that here is a large body of men of considerable eminence and weight in the country who are watching over their rights and interests? They are, and they care not one jot about the mode in which the forms of the House may facilitate the passing of some petty vote, in comparison with this greater consideration; and if you tamper with and trench upon the privileges which the House of Commons has hitherto enjoyed with so much advantage to the nation, you may ultimately find that you have raised throughout the country a spirit of discontent and just dissatisfaction which you will have much cause to regret and much difficulty in allaying. What practical advantage, I ask you, do you think can flow from priggish, pedantic, and petty attempts to deal with the rules of the House? Is it sought to save time? Does the House of Commons sit too long? That, I think, is said. For my own part I do not think the Sessions of Parliament are too long. The business and wants of the country taken into account, this House ought, in my opinion, to sit at least six months in the year, and, as a general rule, we do not sit beyond that time. But then it is contended that the public business is hurried over in a manner that is inexpedient at the close of the Session. Now, for my own part, I believe that many measures are very wisely abandoned at that period of our deliberations, and that no detriment to the public interests in consequence ensues. The right hon. Gentleman the Secretary for the Home Department seems, however, to attach considerable importance to the argument that legislative business is towards the end of the Session unduly hurried over, and, as a remedy for that state of things, he would be prepared to support a scheme in accordance with which on one day in the week no legislative business whatever should be transacted, and only votes in Supply would be taken. But be that as it may, I contend that a Session equal in length to the average Session of past years is not too long fairly to represent the wants and correspond to the necessities of the country, and if you could succeed in cutting down the duration of our sittings by a month—a result which some seemed to think might be brought about by changes in our rules which were talked of last year—my opinion is that in that proportion you would be likely to diminish your just influence in the country, and to

do injury to the public interests. When Parliament is not sitting, how many are there not who regret that such is the case? I do not wish now to enter into a discussion of the Education Minute, but I should like to have had this House sitting in flesh and blood at Westminster when the Revised Code was produced. That I think would have been a great advantage. I should have been glad also if the House had been sitting when the Government entered into the negotiations in the case of the Moorish treaty. In short, something happens almost every recess, often immediately after Parliament has been prorogued, which must give rise to a feeling of regret in the public mind that the House of Commons is not assembled. I hope, therefore, hon. Members will take a large view of the question before us, and that they will not permit their privileges to be tampered with by the report of a committee or the efforts of individuals to save time, however praiseworthy. Last year several changes were introduced into our forms of procedure. The whole subject was then deeply and elaborately examined, and I do not question the propriety of these changes. I would, however, under those circumstances, advise the House to rest on its oars until we see how far those changes answer their purpose. My right hon. Friend behind me (Mr. Walpole) has referred to the eminent man who presided over the committee from which they emanated; and I may, perhaps, be permitted to take this opportunity of saying that—though I sat opposite to him in this House—no one entertained a higher regard for him, or more sincere respect for his distinguished qualities than myself; and it is to me a source of great satisfaction that, having sat by his side during the progress of the labours of the committee, I was enabled to become acquainted with all that was passing in his mind on the subject with which we were dealing, and, however humbly, to assist him in framing those beneficial recommendations which have since been adopted. I cannot, at the same time, help feeling that we should be paying no very great tribute of respect to his eminent memory if, after the labours which he underwent in presiding over the committee, and within a few months only of his lamented loss, we not only refused to extend to these recommendations the courtesy of ordinary fair play, but the very first week after the reassembling of the House, and before we had tried the virtue

of the changes which he proposed, lent our sanction to a scheme so crude that before the hon. Gentleman from whom it emanates was ten minutes on his legs he found his proposition to be so perfectly untenable that the Government felt themselves bound to argue against it, while expressing their readiness to bring forward some other plan to accomplish the same object, but in a manner somewhat less absurd. I feel confident, however, that the House will act with caution in this matter, and I entreat hon. Gentlemen on both sides of it to guard their precious privileges carefully, for if they are lost, depend upon it, the people out of doors will look upon us as having proved false to their interests.

VISCOUNT PALMERSTON: Sir, the right hon. Gentleman has discussed the question whether the Sessions of Parliament are too long or too short. Now, the natural feeling, I apprehend, on his side of the House is that it is desirable our Parliamentary Sessions should be long, while, so far as we who sit on these benches are concerned, we should no doubt prefer that they should be very short. Nor is it at all surprising that hon. Gentlemen opposite should, after the recreations of the recess, return with such views as the right hon. Gentleman has indicated as to the transaction of the public business. It is during the Parliamentary Session that the Opposition have it most in their power to control and criticise the conduct of the Government, to influence the march of public affairs, and to take that prominent part in the direction of the business of the country which fairly belongs to their eminent talents and position. If, however, we are to form our judgments of men rather from their actions than their language, we might, looking back to what happened towards the close of past Sessions, feel justified in coming to the conclusion that we on this side of the House are more tenacious and persevering and less sensible of the inconveniences of a lengthened Session than those who sit opposite to us, inasmuch as it usually happens that towards the close of the Session the benches which they occupy become very thinly tenanted, while the faithful corps on this side remains staunchly at its post. Indeed, so much is this the case that it is frequently made a subject of reproach to the Government that they are pressing forward measures of importance at a late period of the Session when they are backed by a strong

phalanx of supporters connected with office, and when hon. Gentlemen, whose duty it is to oppose them, overcome by the fatigues of the Session have retired to more easy and agreeable quarters. I do not, however, intend to dilate on that topic now, and have merely risen to say that I think my hon. Friend who introduced the subject under discussion to our notice would do well—having satisfied his sense of duty by making his Motion—not to press it to a division.

With respect to the general question, I have no hesitation in admitting that I agree very much with what has fallen from the right hon. Gentleman who spoke from the upper bench (Mr. Walpole) and the right hon. Gentleman who has just spoken. I stated in the Committee of which mention has been made, and I also stated within these walls, that I thought one of the most important functions which the House of Commons had to discharge was to represent the opinions of the people of this country, and to constitute itself their organ in reference to anything which they considered to be a grievance, or which they deemed might call for improvement. I added that I regarded it as very inexpedient to gag, as it were, this House, and prevent it from fully expressing the views of the nation on matters as they arose, by the introduction of any regulations which we might imagine would be conducive to the despatch of public business. I was on those grounds opposed to the sweeping proposals which were last year made by some hon. Members, and which would have the effect of doing away altogether with those preliminary discussions which now take place on the Motion for going into Committee of Supply. I must at the same time observe that many hon. Gentlemen undoubtedly entertain the opinion that some restriction should be imposed on the latitude of discussion at present allowed on those occasions. They maintain that whereas until last Session there were only two days in the week on which the order for Supply might be set down on the paper, and preliminary discussions be brought on, there are now three, and that, therefore, one of these might be set aside without materially curtailing the opportunities for discussion which hon. Members have hitherto enjoyed. Now, that is a question which is fairly entitled to the consideration of the House, and my right hon. Friend near me has indicated an arrangement by which the object in view

might be accomplished without interfering with that freedom of preliminary discussion on Mondays and Fridays which several hon. Gentlemen have declared themselves to be so anxious to retain. It is quite true, as the right hon. Gentleman opposite has stated, that the House of Commons is not a mere department the sole duty of which is to pass Estimates and examine accounts. It has functions higher and much more important to the interests of the country to fulfil. It may, nevertheless, be a fair subject for consideration whether such an arrangement as that indicated by my right hon. Friend might not be adopted without injuriously restricting the opportunities which hon. Members now have of discussing various matters on the Motion for going into Supply, while I am at the same time prepared to admit that it would not be desirable to adopt any such arrangement without the general concurrence of the House. It would not, I think, be fitting that a bare majority should impose restrictions on the conduct of the business of the House which a large minority might regard as being inconsistent with constitutional principle, and what I would, therefore, suggest is, that hon. Members should turn the matter over in their minds, so that on a future occasion some proposition less liable to objection than that of my hon. Friend the Member for Brighton might, with the consent of the House generally, be made and adopted.

MR. WHITE in reply said, that the right hon. Member for Buckinghamshire had treated his Motion with a degree of asperity and harshness which was perfectly unjustifiable. The right hon. Gentleman was one of those gifted beings who could make an ingenious speech upon any subject whatever, and who could prove

“————— in reason’s despite
That right is wrong, and wrong is right,
That white is black, and black is white.”

After what had been said on both sides he would not press his Motion to a division, and all he had to add was, that the proposition of the Government, whenever it might be brought forward, would receive his favourable consideration.

Motion, by leave, *withdrawn*.

ACCIDENTS COMPENSATION BILL.

LEAVE. FIRST READING.

MR. AYRTON said, he rose to move for leave to bring in a Bill to amend the Law relating to the recovery of damages

by Workmen and Servants, and of Compensation by the Families of Workmen and Servants killed by Accidents. The object of this Bill was simple and important. The question he wished to submit to the consideration of the House was whether some more clear and precise rule might not be laid down for the purpose of defining the responsibility of masters to their workmen in case the latter should receive any injury in the conduct of the business in which they are engaged. He also desired to extend the rule of law to cases where death ensued, so that compensation might be given to the families of the workmen who were killed. In former times the rule seemed to have been that masters were not responsible for any injuries their workmen might sustain in the conduct of their business. But, in recent days, the judges had felt the hardships of the rule, and had introduced exceptions and restrictions for the purpose of affording redress and relief to workmen in certain cases; and in this way the rule had become less oppressive and injurious than it had formerly been. That very day an important decision had been pronounced by which still further exceptions were introduced. He did not intend at that moment to enter into an investigation of the merits of the existing rule of law, nor would he enter into particulars relative to the changes he proposed to introduce, because his Bill would shortly be laid before the House, and hon. Members would then see for themselves the alterations he suggested. Generally, however, he might state that such a Bill was rendered necessary in consequence of the great changes which had taken place in the relation between master and workman; that the responsibility of the master should be extended; that compensation should be given for all injuries which workmen received in consequence of the neglect of the master to do all that was necessary to enable the workman to carry on his business with reasonable security, and that compensation should also be given to the families of those who were killed, co-extensive with those who were injured. With these observations, he hoped the House would not object to the introduction of the Bill.

LORD ROBERT MONTAGU seconded the Motion.

THE ATTORNEY GENERAL said, it was not his intention to offer any opposition to the Motion of his hon. and learned Friend. The subject was one undoubtedly

of very great importance, and one upon which it was highly desirable that the sense of the House should be taken. The opportunity for that purpose would, of course, present itself when the Motion was made for the second reading of the Bill. He hoped, however, that his hon. and learned Friend had carefully guarded himself against unduly and unjustly extending the responsibilities of masters. At present a master was responsible for the consequences of injuries arising from his own negligence, but he was not responsible for an injury done to one of his servants by the carelessness of another, provided he had exercised reasonable caution in the selection of his workmen.

Leave given.

Bill ordered to be brought in by Mr. AYRTON and Lord ROBERT MONTAGU.

Bill presented, and read 1^o.

MARRIAGES OF AFFINITY BILL.

LEAVE. FIRST READING.

MR. MONCKTON MILNES: The subject which I have the honour to bring before the House is one which does not require any lengthened introduction, and I believe I shall be likely to conciliate the good will of hon. Members on both sides by saying as little as possible upon it. Last year, when a similar measure was brought forward for a second reading an hon. Member opposite moved an amendment to the effect that it was impolitic to do anything which should increase the dissimilarity of the law of marriage in the three kingdoms. That amendment was carried by a majority of five, and, on consulting my friends as to whether it was desirable in the face of that decision to proceed with the Bill, I found it was generally thought, although the amendment was not strictly germane to the Bill, and although its adoption had not in any way defeated the second reading, that it would be better, in deference to the opinion of the House and in order to save time, not to press the Bill further: I acted upon that advice, and therefore, in bringing forward the Bill now I beg it to be clearly understood that last year it was not defeated upon the second reading, and that if the House should permit it to proceed to a second reading this year that will be the first decision upon the question which has taken place in the present Parliament. It will be found that, in obedience to the decision of the House, I have made no difference in

The Attorney General

the present Bill between England and the other parts of the United Kingdom. The Bill will extend to Scotland and Ireland, and, therefore, the object of the amendment which the House adopted last Session will be fully accomplished. I am fortified in the opinion that it is wise to include Scotland and Ireland by the good will with which the measure has been received in those parts of the United Kingdom. Since it has been known that it is intended to include Ireland in the Bill I have received numerous promises of support from that country. I shall soon have the honour of presenting to the House a petition from Dublin, signed by a large majority of the Protestant clergy, and by almost all the principal inhabitants of that city. It is no secret, indeed, that at least half the Protestant bench in Ireland as well as a large proportion of the higher clergy are in favour of the measure. The evidence of Cardinal Wiseman may be considered as decisive as to the opinion of the Roman Catholics. Indeed I cannot conceive how any Roman Catholic prelate, or priest, or even layman can oppose a measure which will place in a fair legal position those of their co-religionists who, under the dispensation of their own Church, have contracted the marriages dealt with in this Bill. With respect to Scotland, I shall take care that nothing is done to wound the feelings of any of the Scottish clergy, or to interfere in any way with the ecclesiastical part of the question. The Bill will refer exclusively to the civil rite of marriage; and here I may say that it is the civil question alone which I wish the House to discuss. Of the theological aspect of the case we have already had more than enough. Upon that point a great deal of acrimony has been displayed on both sides which we may well be spared on this occasion. Men of the highest estimation for piety and virtue have been loaded with opprobrium by persons who, at least, are not their superiors in those qualities, and who have merely given another unhappy example of the effects of the *odium theologicum*. It is peculiarly important that this Bill should be introduced this Session, because a great legal decision has been given since the question was agitated in this House, which places that large body of persons who have contracted these marriages on the continent in a totally new legal position. The decision in the case of "*Brookes v. Brookes*" has carried misery to thousands of English homes. I appeal to you to

rectify that injustice, and to place the persons whom it affects in the legal position which they believed themselves to occupy when they entered into these marriages. The injurious consequences of that decision do not end here. Our colonies are placed in this anomalous and absurd position, that while marriages with a deceased wife's sister are valid in all colonies established before 1835, they are void in those established since that year. In the colonies established before 1835 there exists the English law which prevailed at that time. By that law marriages with a deceased wife's sister are voidable, but as there are no courts in those countries by which they can be voided the practical effect is that they are to all intents and purposes valid. While, therefore, in our older colonies these marriages are permitted, in such important colonies as New South Wales and Queensland they are not valid, because, although the Colonial Legislatures have passed Acts to legalize them, those Acts are now disallowed by the Colonial Office on account of the decision in "*Brookes v. Brookes*." The present state of things is most unhappy for our countrymen who have contracted marriages which—though you may say the law of England did not permit, it at least connived at—when they see persons of the highest respectability who contracted them before 1835, and, above all, when they see a most respected ducal family of this country enjoying all their privileges founded on the validity of such marriages. These things are an affront to the law of the country, and I trust, therefore, the House will approach the discussion of this question in a becoming spirit. I beg to move for leave to bring in a Bill to render legal certain Marriages of Affinity.

MR. WALPOLE :—Sir, I am glad to learn one thing from the hon. Gentleman's statement, that whatever alteration he proposes to make in the law of marriage he intends it shall apply to all parts of the kingdom. Nothing can be more inconvenient than that a marriage shall be legal in one part of the kingdom which is not so in another. I so far agree with the hon. Gentleman, therefore, that if any alteration is to be made in the law, that alteration should apply to the whole kingdom. At the same time I must tell him that this can by no means do away with the fundamental objection I entertain to the change which he proposes. Indeed, I cannot see that he has done anything whatever to

remove it. He has not attempted to explain what is the degree of affinity within which marriages are to be allowed in future which are not permitted now. He says there ought to be one law for the whole kingdom. In that I agree; but is it not equally important that there should be one line which should include all, and beyond which all should be excluded? How, then, does he mean to proceed?

MR. MONCKTON MILNES: With the single exception of extending to Scotland and Ireland, the Bill will be the same as last year.

MR. WALPOLE :—The Bill will relax the law within the nearer degrees of affinity, but not where they are more remote. It will enable a person to marry his wife's sister, but not his wife's niece. Why is a man to be privileged to marry two sisters if a woman is not to be privileged to marry two brothers? Until that question is fairly answered, and while you are really making a different law for the two sexes, it is not enough to say that you are making the law uniform throughout the kingdom. I do not oppose the introduction of the Bill; but the objections I entertained to the former remain as strong to this measure. I hope the House will never sanction an alteration of the law like this, which I believe, not merely on political and religious grounds, but on moral and social grounds also, will tend very much to unsettle and deteriorate the moral feelings and the social habits of the people of this country.

Leave given.

Bill ordered to be brought in by Mr. MONCKTON MILNES, Mr. SPOONER, and Mr. DENMAN.

Bill presented, and read 1^o.

CHURCH RATES ABOLITION BILL.

LEAVE. FIRST READING.

SIR CHARLES DOUGLAS said, he rose, in the absence of the hon. Baronet the Member for Tavistock (Sir John Trevellyn), to move for leave to bring in a Bill to abolish Church Rates.

MR. SOTHERON-ESTCOURT said, that he wished to state, on the part of his hon. Friend the Member for Preston (Mr. Cross) that although, if encouraged to do so, he was ready to introduce his Bill of last Session, yet, in the absence of any such encouragement, it was not his present intention to lay it on the table. He wished to know if the present Bill was identical with that of the hon. Baronet the Member

for Tavistock last year? [Sir CHARLES DOUGLAS: It is so.] He did not know that the hon. Baronet gained much by repeating the same routine year after year. No real progress was thus made. He did not propose to go over precisely the same course as last Session. It was desirable rather to widen than to narrow the discussion. It was, therefore, his intention, on the second reading of the Bill, to move, not, as before, a simple negative, but a Resolution, the purport of which would be to draw attention to what appeared to him to be the one-sided character of the Bill itself, and to obtain from the House the recognition of some distinct principle on which legislation on the subject might be founded.

MR. DARBY GRIFFITH said, he rose to express the gratification he felt at hearing the announcement made by the right hon. Gentleman who had just sat down—namely, that some distinct Amendment would be proposed for the settlement of this much-vexed question. Last year many hon. Members on both sides of the House had watched with anxiety for a settlement of that question upon moderate principles, and there was no doubt that if an opportunity were given, the fanaticism of the opposite side and the High Church feeling on his own side of the House would be left in a decided minority. He was in favour of a moderate system of church rates. He thought it unworthy of the party to which he belonged to meet the proposal of the Bill with a simple negative, without making a proposition in return, upon which an agreement might be come to. At present Dissenters could relieve themselves practically from the payment of church rates, and he hoped to see legislation ratifying that power.

MR. SPEAKER: Before putting the Question, I beg to remind the House, in regard to one of its rules, that though, in the case of an unopposed Motion, it is by courtesy permitted that one hon. Gentleman may give a notice of Motion and then obtain the assistance of a friend to make the Motion, the rule does not prevail in regard to important or controverted questions. Therefore, if any hon. Member had made an objection to this Motion, I should have held the objection to be good. The hon. Member who gave the notice being absent, it was not in accordance with the strict rules of the House that the Motion should be made by any other hon. Member.

SIR CHARLES DOUGLAS said, he

Mr. Sotheron-Estcourt

wished to explain that his hon. Friend the Member for Tavistock was in the House a short time before, but had gone away.

Leave given.

Bill *ordered* to be brought in by Sir JOHN TRELAWNY, Mr. DILLWYN, and Sir CHARLES DOUGLAS.

Bill *presented*, and read 1^o.

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

LEAVE. FIRST READING.

MR. BRISTOW, in moving for leave to introduce a Bill to amend the Metropolis Local Management Acts, said, that the Bill that he asked leave to introduce was precisely similar to the Bill which passed that House during the previous Session, and which would have become law but for the late period at which it was sent up to the other House of Legislature.

MR. LOCKE observed that since the introduction of the Bill in the previous year the report had been published of a very important Committee which had sat on the local taxation of the Metropolis. Amongst other questions which that Committee had considered was one connected with the Metropolitan Board of Works, and the mode of electing its members. It would be a moot point whether the Board represented the ratepayers at all, for it was elected, not by them, but by the vestries. It was true that the vestries themselves were chosen by the ratepayers, but the mode of election at second hand had been found defective in every case in which it had been adopted. He hoped, therefore, that during the progress of the Bill through the House either the hon. Member for the Tower Hamlets or himself would be prepared to introduce provisions for establishing a direct representation of the ratepayers.

Leave given.

Bill *ordered* to be brought in by Mr. BRISTOW and Mr. TITE.

Bill *presented* and read 1^o.

CONVEYANCE OF VOTERS.

LEAVE. FIRST READING.

MR. COLLIER said, he wished to move for leave to bring in a Bill to prohibit the payment of expenses of conveying Voters to the Poll in Cities and Boroughs. He would not say at that time anything of the merits of the measure except that it was based on the report of a Select Committee.

He had only further to observe that he had introduced the Bill in two consecutive Sessions, but upon each occasion he had been requested to withdraw it in consequence of the right hon. Gentleman the then Secretary of State for the Home Department being about to bring in a comprehensive measure on the subject. That comprehensive measure, however, had not yet been passed, and he now begged to say, without intending the slightest disrespect to the right hon. Gentleman, that it was his intention to press on his measure totally irrespective of any comprehensive measure that the right hon. Gentleman might have in view.

Leave given.

Bill *ordered* to be brought in by Mr. COLLIER and Sir CHARLES DOUGLAS.

Bill *presented*, and read 1^o.

CHURCH RATES COMMUTATION BILL.

LEAVE. FIRST READING.

Mr. NEWDEGATE, in moving for leave to bring in a Bill to establish a Charge in lieu of Church Rates, for the Commutation thereof, and to afford facilities for the provision of other funds applicable to the purposes of Church Rates, said that the purport of the Bill was announced in its title. He would not then detain the House at any length upon the general scope of the Bill. The subject was one on which he had bestowed his best attention, and he should feel deeply indebted to the House if it would allow him to lay his plan in a regular and appropriate form before it.

Leave given.

Bill *ordered* to be brought in by Mr. NEWDEGATE and Lord ROBERT MONTAGU.

Bill *presented* and read 1^o.

House adjourned at a Quarter after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, February 12, 1862.

SUPPLY.

Resolution, "That a Supply be granted to Her Majesty," *reported*, and *agreed to*, *Nine Contradictente*.

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Thursday, February 13, 1862.

MINUTES.]—*Took the Oath*.—The Bishop of Durham.

EDUCATION—THE REVISED CODE OF REGULATIONS.

MINUTE OF PRIVY COUNCIL PRESENTED.

EARL GRANVILLE: My Lords, I rise with some anxiety to redeem the pledge I gave the other day on the subject of the new Minutes on Education. The subject I have to treat is certainly one of the most important to the welfare of the country that can be brought under the notice of this House. The great number of memorials that have been presented to Parliament on this subject from the managers of schools, schoolmasters, and other bodies, proves the interest that exists on this question. Although my own opinion is formed as to the value, the expediency, and, indeed, the necessity of the propositions we have made and which I shall now have the honour to state to your Lordships. yet I feel anxious lest I should not be able to make clear to your Lordships the grounds on which I entertain that conviction, though I will earnestly endeavour to do so. I shall certainly not trouble your Lordships with the history of all the past proceedings in reference to the Parliamentary grants in aid of Education. Your Lordships are aware that four years ago, on the motion of Sir John Pakington, a distinguished Member of the Opposition in the other House, who has taken a great interest in the subject of education, a Commission was appointed to inquire into the whole question, including the manner in which the Parliamentary grants were expended. That Commission was nominated by the Government of the noble Earl opposite (the Earl of Derby) in a manner that reflected the greatest credit on the judgment of the noble Earl and his Government. It consisted of persons whose previous reputation was likely to carry great weight. In March last, after the labour of three years and the expenditure of a considerable sum of money in obtaining statistics and other information relating to the state of education, they presented a singularly able and comprehensive Report, that must have given great satisfaction to those who read it, and must have been very gratifying to the noble Earl himself. The Commissioners give great praise to a very large portion of what had been done under the Privy Council grants. They speak in

warm terms of the superiority of the inspected schools over schools that are not inspected, and of the superiority of the trained over the untrained schoolmasters, both of present and former days. They also advert to the excellent quality of the education given in the upper classes in the schools, and they pay a just tribute to the civilizing effect of these schools in different parts of the country. But there are imperfections in all human institutions, and some are noticed by the Commissioners in relation to this subject. The Commissioners show that there is great complexity in the relations between the Privy Council Office and the different schools that are assisted, and they report that the system fails to reach the poorer districts of the country. With regard to the elementary education of the lower classes, that it is not so satisfactory as it should be they show by the fact, that whereas it is estimated that 2,200,000 children ought to be brought into the inspected schools, only 920,000 children actually attended them. And of these 920,000 it appears only 230,000 received what may be called adequate instruction in the elements of education—reading, writing, and arithmetic—and that even these carry away from the common schools an amount of instruction that gives little hope of their retaining long after they have left even that little. And, I believe, they might have still further reduced that number of 230,000, as among them are to be found many children really of the middle classes to whom the Parliamentary grants were never intended to apply. This state of things is not new. The Government had been for some time aware of the difficulty, and some steps were taken to prepare a remedy: but we did not think it right to propose any change till the Commissioners had made their Report. Five years ago the deficiency in the elementary instruction of the poor in reading, writing, and arithmetic—those branches of education so important to the labouring classes and so much desired by the parents for their children—was pointed out by the Committee of Privy Council; and two years ago another Report was presented to Parliament, pointing out the same deficiency. I should be quite bewildered if I attempted to describe all the changes that have been made in the Regulations, and I will therefore limit myself to the broad features of the case. The Report of the Commissioners suggests two plans

for the more general extension of elementary education—one by means of local rates, the other by making the payment according to results, to be ascertained by examination. Having obtained the advice of the Members of the Committee of the Privy Council, we came to the conclusion that it is not desirable to adopt any system of local rating for schools; but we thought we might avail ourselves of the other proposition for extending the elementary instruction in the lower classes of public schools. A series of Minutes was prepared that we wished to lay on the table some weeks before Parliament rose; but every one knows how difficult it is in such matters to avoid delay. In carrying out the plan we wished to shield ourselves with the full sanction of Parliament. Nothing, therefore, was done in the interval after the new code was made public, except that in regard to the pupil-teachers we did not think it fair to increase the existing number. Mr. Lowe agreed with me that there ought not to be the shadow of an excuse for saying we had committed a breach of faith; and if we had wished to smuggle these Minutes through Parliament I cannot conceive any course more injudicious than publishing them in the dead season of the year, when for months they could be picked to pieces and discussed in every possible way. By postponing the production of the Minutes till the opening of the present Session of Parliament they might have escaped such keen discussion in the general excitement of internal distress or the risk of a foreign war. So far from this, the very reason that the new Code of Regulations was presented to Parliament in July last was that it might undergo the most searching examination in all its parts by every person who was inclined to do so, so that the whole subject might be thoroughly discussed and ventilated before it should be submitted to the consideration of Parliament. I was myself in London for three or four weeks after the prorogation of Parliament, and during that time I received no memorial against the Revised Code; nor did I, in fact, receive any until I was attending Her Majesty on what I fear must be called her last happy journey. Your Lordships are, no doubt, aware that the State now assists the schools by means of annual grants of various kinds. There is the capitation grant, there are payments to teachers, payment for teaching drawing, payments for pupil-teachers, payments for teaching pupil-teachers, for assistant

teachers, for books, for apparatus, an industrial grant, and a small one made in certain cases where the master knows Welsh or Gaelic, and capitation grants according to the number of scholars. All these grants will be swept away by the new scheme, and the assistance which it is now proposed to give consists of one capitation grant, depending on certain conditions, such as the state of the school premises, and a satisfactory report of the Inspector upon the discipline and the religious instruction of the school; and then the managers of schools to claim one penny per scholar for every attendance after the first 100 at the morning or afternoon meetings of the school, and after the first twelve of the evening meetings. One third, however, of the sum thus claimable is forfeited if the scholar fails to satisfy the Inspector in reading, one-third if in writing, and one-third if in arithmetic. For the purposes of examination, the children will be grouped according to age, and their failure in any one of these subjects will render the school liable to lose one-third of the allowance, and, if they fail in all, the State will contribute nothing towards the maintenance of the school. The course we have taken will, I think, meet to a great extent the objections which were raised against that portion of the existing system which has been condemned by the Commissioners. With regard to payments, those interested in the old system, no doubt, cry out against the new. All the memorials we have received agree in crying out as to the reduced amount of assistance which will be rendered to the schools under the Revised Code; but some of their arguments seem to be hardly consistent one with another. On the one hand they dispute the *data* on which the Report is founded, and deny that so few of the school children would be able to pass this elementary examination; while, on the other hand, they say that the number who could pass it is so small that the receipts of the schools must be materially reduced under the new system. Now, I do not wish to enter into any estimate of the expense, which must necessarily be contingent on a variety of circumstances. But the matter has been gone into over and over again, and the general result seems to be this:—If no improvement takes place in the instruction given, and if the defects pointed out by the Commissioners continue, a great public economy will be effected. On the contrary, if these defects are removed, I be-

lieve that the allowance to the schools will amount, after a very little time, to almost as much as at present. That result, however, will be contemporaneous with enormously increased efficiency in the schools, and with a great increase in the amount of useful instruction received by the children. Then at present the relations and the arrangements of the Committee of Council are most complicated. When your Lordships remember that they have to maintain communications with some 30,000 persons, you will see at once how great a simplification will be effected in these relations and in this vast correspondence. I remember that some years ago, before this question was mooted, I stated in this House that if the system went on increasing in the manner it was then increasing, the central Office would break down under the weight of business which would be heaped upon it. I have sometimes reproached myself since then for having made so unqualified a declaration, because with so singularly able a staff as we have in the Education Department, there is no work which they could not accomplish if only they had buildings sufficiently extensive and armies of clerks sufficiently numerous. From one cause or other, however, as experience teaches us, to get large and commodious buildings for public purposes is not a rapid process in this country, while to provide an army of clerks much expense must be incurred. I must insist, too, upon the unfairness of comparing the Education Department with the great Revenue Departments. The latter departments have to do with persons versed in the routine of official business; but our relations are with 30,000 people not under our control, some of them being quite ignorant of official business. That enormously increases the difficulties of the Department. But I do not argue this question merely on economical grounds. I believe that it is not an advantage, but a serious disadvantage, to go on increasing the action of centralization in London in directing the educational institutions of the country; and, on the other hand, I regard it as a great advantage to throw increased responsibility upon the local managers of schools, and thereby increase to a great extent local influence and local government in matters of education. The memorialists, as it seems to me, libel themselves in undervaluing the ability of the local managers to deal with the altered system; for when we see the ability and knowledge displayed in some of these me-

memorials, by such men as Dr. Vaughan, the Dean of Salisbury, Mr. Garfit, Mr. Randall, Mr. Robins, and many others whom I might mention, a most satisfactory knowledge of the requirements of educational schools seems to be widely diffused over large parts of the country, and I hope we shall be able henceforth better to apply that knowledge and public spirit, and that these will go on increasing in proportion to the scope which we give to the local managers. The scheme which has been promulgated will tend, we hope, to the efficiency of the elementary instruction given, and this will be done by substituting for the test of attendance the test of efficiency. If your Lordships remember the extent to which the examination system is now carried, and the comparative difficulty which must exist, but which is still overcome, in fixing a standard in such subjects as Divinity and Latinity, I think you will be of opinion that in reading, writing, and arithmetic, a test of proficiency may be contrived as nearly accurate as possible. I believe that there will be no difficulty in carrying out this portion of the plan. I am not going to enter into all the objections which have been advanced, but will deal only with some of the more prominent. The most serious one is the tendency of the new Code to disturb the progress of religious combined with secular instruction. At first the memorialists attacked the Committee of Council for what they declared to be a deliberate intention to injure the cause of religious education; but I am very happy to say that since then their tone has become more moderate, and they only now allege that the working of the scheme will necessarily have this effect. Now, nobody can read the history of this country without being aware how important a part has been played in it by the panic cry "Religion is in danger!" That panic has at times had mischievous results, and at other times it has had a most salutary influence upon the political conduct of the nation. It is also satisfactory to know that there exists such sensitiveness among the people on this subject that the cry always produces some effect. But I am persuaded that in the present instance this cry has been raised somewhat lightly and without any real foundation. We were once told by a venerable and learned Lord who always delights the House by his addresses, which are marked by the absence of a single superfluous word, that one of the great difficulties which lawyers experience in

Parliament is that while in court they may use all their arguments, in Parliament they are only able to use their good arguments. Now, I cannot help thinking that the memorialists have adopted the legal rather than the Parliamentary way of stating their objections. As to this particular objection, I have been told an anecdote, for the truth of which I will not vouch, which seems to show that, unintentionally, some of these memorialists have put forward the religious question without themselves attaching much importance to it. A diocesan board met, I believe in a midland county, and unanimously agreed to seventeen resolutions against this unfortunate Code. The first of these resolutions embodied the religious objection. A Conservative Gentleman, and a distinguished Member of Parliament, afterwards—insidiously, I think—asked whether if, instead of the penny, a twopenny capitation grant was conceded their objections would be obviated? The board consulted again, and were—again unanimously—of opinion that that concession would remove all objections. My Lords, I really think that if you will look into this matter you will be of opinion that the religious objection is unfounded. The Revised Code makes no alteration whatever in the religious operation of the educational system as it existed under the old Code. The Order in Council of August, 1840, remains exactly as it was, and is not at all affected by the new Minutes; and therefore, technically, I may say that the new Code does not make the slightest alteration. But there is another argument used, and that is, that we are now about for the first time to pay schoolmasters in proportion to their success in teaching reading, writing, and counting, and that by so doing we shall so divert the attention of managers and schoolmasters from other subjects that religious instruction will suffer by it. Now, let me ask your Lordships to consider how this matter really stands. Neither under the old nor under the Revised Code is it possible for any manager of a school to obtain any personal or pecuniary advantage from that species of instruction. But there is a desire on the part of those gentlemen to improve the morals and to cultivate the religious feelings of the children; and, that being so, and the schools being not only managed by religious men, but inspected by clergymen of the Established Church appointed with the sanction of the Archbishops, the

conductors of those schools being masters who have been trained in a moral and religious manner, it does seem most wonderful that any one should suppose that the new Code should have the effect which they profess to anticipate from it, and that these gentlemen will allow so principal an object of education to be lost sight of and disregarded in favour of such elementary subjects as reading, writing, and arithmetic. Besides, I do not admit that reading and writing are so totally disconnected with religious instruction as to belong to purely secular education. With respect to arithmetic, its influence will probably be rather of a moral than of a religious character; but as to writing, I think it has been well said, in a pamphlet upon this subject, that the power of writing, enabling a father to address his children, and the children to reply to the father or to communicate with each other, is as likely as anything to develop the kindest and most religious feelings. As to reading, I believe it is equally as important as an element of religious instruction as it is in secular education. I am not going to complain that religious instruction sometimes bears too much upon points which do not tend to practical religious education; but I am sure that, if you are able to give a child some religious instruction, you diminish the chances of its proving of value to him in after-life if you do not also give him the power of reading his Bible, his Prayer-book, or other religious volumes. I was much struck that, of a deputation of twelve clergymen of the Metropolis who opposed the code, who recently waited upon me, eleven of them energetically repudiated any religious objection to the Revised Code on the ground that it would interfere with the religious teaching of the children. The next point is as to training colleges. It had been objected to the new Code that it will abolish those colleges. When those colleges were first proposed, it was intended that they should be denominational, and receive assistance from the State, to a certain extent supplementing voluntary contributions; but, for some reason, it has been found difficult to excite voluntary efforts, and the results have been far from satisfactory. It can hardly be conceived that the assistance rendered by the State to these colleges has averaged 68 per cent, and in one case was within a fraction of 100 per cent of the whole expense. I am free to admit, however, that the blow aimed at these col-

leges by the new Code is sudden and severe. The next point is as to the certificated schoolmasters; and, among other objections, it is urged that the masters have vested interests which Parliament cannot touch. The Royal Commission—which enjoyed the advantage of comprising among its Members one of the most eminent Judges—made a careful inquiry into this point, and its report is decisive that no such vested interest exists. I am rather confirmed in that view by other authorities. In regard to vested interests there can be no question of degree—if you can touch them in the least you can deal with them fully. Now, I find that, when the noble Marquess (the Marquess of Salisbury) and Mr. Adderley were in office, they did interfere with the certificated masters by limiting the number of pupil-teachers to be employed by them; and that was to some extent an interference with what is now set up as a vested interest. I am still more confirmed by what has been propounded by Sir J. K. Shuttleworth, who has taken an active part in this controversy. I have great regard and affection for that Gentleman, whose friendship I have enjoyed for some years, and for whose opinion I have the highest respect; and upon that account I regret that in his letter and speeches during the past autumn he has departed in his speeches and writings from that judicial tone which his attainments, experience, and eminent services rendered to education fully entitle him to assume. Now, if there is one point upon which I think Sir J. K. Shuttleworth deserves more credit than another in his efforts in the cause of education, it is the sedulous care he has officially and unofficially bestowed upon every means of elevating the condition and improving the *status* of the certificated schoolmaster. He, deprecating, our Revised Code as a whole, thinks we have behaved ill towards the schoolmasters, and degraded their position; and he especially excepts from this question the pecuniary part of the matter. If anything that we proposed could have that effect I should deeply regret it; but if it is to be urged that schoolmasters, trained up in most cases at the expense of the public to teach the children of the poor, are to consider it as degrading to condescend to the drudgery of teaching reading, writing, and counting, then all I can say is that that seems such a reduction to absurdity that I cannot consent to argue it. Then, as to what has been said of the

effect upon the schoolmasters from being disconnected with the State, I think the best view, and the natural view, of the interests of the masters themselves, is that their own independence and self-respect will be increased by placing them in more natural relations with their employers, and relieving them from their present anomalous position towards the State. A schoolmaster now is not a servant of the Government, but he is in some measure a dependant upon it. As far as my opportunities have extended, I have always endeavoured to raise the position of the schoolmasters in the eyes of those around them. I believe them to be a very superior class of men, with great moral, intellectual, and religious attainments, and I believe that upon the whole they devote themselves with great industry and public spirit to one of the most important tasks that can fall to the lot of any citizen of a free country. I know personally some for whom I have great regard, and I should be sorry to hear that they were not held in respect. But I am not sure, if you listen to the tone of the speeches at many of the schoolmasters' meetings, and look at their memorials, whether it is not obvious that what they complain of is the fault of the existing system. They are in a sort of dependence on the Government, and there is in consequence, in their speeches and memorials a tone of querulousness with the acts of the Government which is not desirable, and I therefore cannot regard with disfavour the severance of the existing connection of the schoolmasters with the Government. I believe that by placing the schoolmasters in a more natural position they will be brought into better and more intimate relations with the managers of the schools, and will be able to act with more freedom; while, on the other hand, they will not suffer any pecuniary disadvantage—at least, I believe they can only suffer in that respect where they do not sufficiently exert themselves to fit their scholars for passing the examination. That, however, will only oblige the school managers to look about them for a better master, who will bring the children up to the proper standard of proficiency, and to secure the services of such a person they may, probably, have to offer a higher salary. I trust that these remarks with regard to the schoolmasters will be understood by that body in the spirit in which I have made them. I make no charge against them individually, but I think the system has not worked so

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beneficially as could have been wished. I come next to the pupil-teachers, who, it is said, are to be destroyed as an institution by the new Regulations. The way in which they are to be destroyed is that they are no longer to be paid directly by the State; that we limit the number of hours during which it shall be absolutely necessary for the master to instruct them, and we allow instruction to be given in the evening school. Now, I do not believe that the change will in any one particular hurt the pupil-teacher system. A pecuniary mulct will be inflicted only where the pupil-teachers do not pass through the examinations at the end of the year. Another objection to the Revised Code—though I cannot understand the reasoning on which this objection proceeds—is this:—It has been alleged that, instead of assisting the schools in the poor districts, our plan will do them an injury. Now, at present, in a poor district, a school with less than 100 pupils can have assistance only if it either has a certificated master, or a registered master of twenty-five years of age. That is a considerable limitation in a matter of this kind. We now propose to give them the capitation grant, on the conditions I have stated, if they have a certificated master or a registered master of twenty-two years of age; and, moreover, we allow them these advantages if they have got a pupil-teacher who has gone through five years' training, and has been approved and recommended by an Inspector. Certainly it is much more desirable to have, if possible, a certificated master in all cases; but in many instances there are not sufficient funds for that purpose, and I believe that where the other qualifications are satisfactory mere youth is not always a fatal disadvantage in a teacher. A pupil teacher who has successfully passed his last examination may be of the greatest possible use in raising the level of a school, and in exerting a salutary influence upon the surrounding neighbourhood. I yesterday received a very large deputation of schoolmasters, who stated their case with great ability and moderation. One gentleman rather entered into the general question, and stated, as an instance of the injury that would be done to small schools, that he knew a school in Wales where, under the Revised Code, they would be unable to get a single penny of the grant. I asked him what sort of instruction could be given in a school where there was not one child who could read, write, or count. One in-

telligent certificated master got up and said he would explain. He was himself a teacher in a Welsh school, and, as he did not know Welsh and the children did not know English, the task of imparting instruction to them in the rudiments was most difficult. I presume that this is not one of the schools under inspection. If it is, there has been undoubtedly a great dereliction of duty. I mention this instance to show that there are circumstances under which a pupil-teacher acquainted with the language of the district, whether it be Wales or Scotland, would impart more information than a certificated master, however otherwise qualified. I am sure that those of your Lordships who have considered this question will agree that the only way of really solving the problem of the education of the labouring classes is by affording them the means of education in evening schools. I recollect that Lord Stanley, in an admirable speech which he made at Bury, showed how difficult, if not impossible, it was to get the children of the working men to attend a day school after they came to an age when they could earn wages. He could not remain at school after the age of ten, and it was folly, and perhaps not to be desired that a labouring man should give up perhaps a tenth part of his income. Well, we do not allow the masters of the day schools to teach in the evening; and if I have had one I have had a hundred remonstrances from the managers of schools complaining that that restriction was fatal to their endeavours, because, if they were not permitted to have a master who could employ his time in teaching in the evening, equally with the day schools, they could not get a competent master at all. Well, we are now to give a very large pecuniary assistance—I am almost afraid of its amount—to education carried on in evening schools, because there is to be an allowance made for every scholar attending those schools after the twelfth attendance, provided he is able to meet our requirements in respect of reading, writing, and arithmetic. I think that this will operate very beneficially in extending the influence of education throughout the country. I come now to another point—namely, the grouping of the children, and for not giving payments for more than one examination after eleven years of age, with respect to which we have been so much attacked, both by friends and foes, that it might hardly seem unreasonable if your Lordships were to

expect us to yield the whole point at once. I am sorry that we cannot make such a concession. We have gone into a most careful inquiry, with the view, if possible, to meet the wishes of educationists in this matter, and we have come to the conclusion that the course we propose is the only one which it is desirable to adopt. The objections to it are, that if you require a boy of nine or ten years old to pass an examination, he may either be a natural dunce, a neglected dunce, or have a physical incapacity that prevents him from acquiring knowledge. Now, it appears to me that in framing a general rule it is impossible to avoid individual cases of hardship. What you want to do is to correct a general deficiency in the education given, and you cannot attain this object in a better way than by putting a pressure on the masters to induce them to bring the boys earlier forward in their studies. If, unfortunately, a boy leaves school at ten years of age, utterly unable to read, write, or count, that seems to me to be a result which you can hardly call upon the State to pay for. I have seen a memorial published by a committee, of which the Duke of Marlborough is a distinguished member, and in that document the argument is held, in regard to some poor schools, that although the children of labouring men leave school at ten years of age, yet the children of artisans, farmers, and the middle class remain there till they are fourteen and even fifteen. This argument is fatal to the objection I am combating, because if that be so, the State is giving pecuniary aid to schools on behalf of persons who have no claim upon its assistance whatever. The sons of the middle class are just those for whose instruction the country ought not to be required to pay; but the existing system gives the advantage of two years' additional education to the children of persons who are quite able to pay for it themselves. I have no doubt that both in town and rural districts one of the first effects of the new Regulations will be that parents of this class will be compelled to pay a higher sum for the education of their children, and will in consequence be made to appreciate much more highly the advantages of education. Another objection which has been raised refers to the difficulty of examining the children. I cannot agree that the objection which has been urged at all applies to the Revised Code. It is said that it would be unfair to the Inspectors to subject them to such

degrading work. But I do not understand why a well-educated man, in the performance of a wholesome and useful duty, can feel himself degraded in examining whether children can read and write and count, more than in examining older pupils elsewhere as to their knowledge of the trade winds or the river system of Hindostan. Then, with regard to the increased charge of these Inspectors, I think it is very possible there may be some increase of charge, although I hope, by a different distribution of districts, and some alteration in the duties of the Inspectors, to economize the operation of the scheme as much as possible. With respect to the precise mode of appointing Inspectors, I cannot pretend to have felt any particular pleasure or any inconvenience. The most common business-like way in which I proceeded was this:—I looked over the list of candidates without the slightest reference to political or personal qualifications, observing those who I knew had most distinguished themselves at the Universities. I then applied confidentially to the authorities of the Universities, in whom I had the greatest confidence, requesting to be informed of various particulars as to the character, habits, and manners of the gentlemen. That was the course which I took in all cases in which I was not myself immediately cognizant of the facts. As to the necessity, in a purely commercial view, of a proper staff of Inspectors, there can, I think, be no doubt whatever. If the State does spend a considerable sum of money for the purposes of education, it is certainly right to pay a percentage in maintaining a staff to see that this large sum is properly expended. I have now, my Lords, met some of the principal objections which I have no doubt will be urged against the Revised Code. If others are introduced I shall, no doubt, have an opportunity on some future occasion of answering them. My Lords, I thank you for the singularly patient indulgence with which you have heard me.

And now with regard to the modifications we propose. We do not intend to include Scotland under the Revised Code. The reasons for making this change are these. There have been several representations from Scotland, some of them objecting to the Revised Code, others saying, although they accept of it for want of a better, they are not friendly to the system of Privy Council grants. They say that the Bill which was introduced last year

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has given general satisfaction. They say—I do not know with what truth—that all the different religious communities in Scotland are agreed on the sort of religious education that should be given to youth; that the time has now arrived when the Government should either propose a general Education Bill for Scotland, or at all events, institute some inquiry into the matter. I think, with these views, with the population desiring one comprehensive scheme for Scotland, it will be more prudent, more wise, to postpone, at all events for a time, the Revised Code there. Another reason is, that the capitation grants never applied to Scotland. With regard to training colleges considerable reductions were proposed; but we have received the strongest possible representations from different parties connected with the training colleges. I am quite certain that the system, as it at present stands, cannot continue long; but, on the other hand, looking to the alarm which has been created, and the representations we have received that the proposals made would be fatal to many of the training colleges which had no time to make preparations for the contemplated change, we do not propose to include the colleges in this Revised Code. With regard to religious instruction—there is really no cause of alarm in regard to religious instruction combined with secular instruction in the schools. On this point I think it most desirable there should be no mistake, and therefore we propose to include a separate declaration in the Code, that the Order in Council with reference to this remains in full force, and instructions to the Inspectors as to that Order remain in full vigour. We propose, as to night schools, that the system shall begin at the age of twelve. The next change was rather a matter of detail in regard to the number of pupil teachers required. Under the former arrangement we only required one to 30 scholars; now we shall require one for every 40.

THE EARL OF DERBY: According to the scheme as it stands at present there must be one pupil teacher for every complete 30 over 50. The noble Earl proposes to substitute the limit of 40 for 30; therefore, at 90 you will require the addition of a pupil teacher. You will not require a second pupil teacher till you come to 130. Is that so?

EARL GRANVILLE: Yes. As to another point, the sum we shall require

managers to pay to pupil teachers will be only £5, instead of £10. There is another small detail which I do not propose to insist upon—the paying the pupil teachers weekly. I now come to a very important modification with regard to the examination of elementary classes as regards infants. Objections have been made to the examination in the schools of young infants. Upon full consideration of the whole matter, looking to the class of schools in populous districts, where infant attendance is largest, and considering also the strong representations we have received, we propose as to children up to six years of age, instead of examining, to make them attend 200 times instead of 100, and after these 200 attendances to pay at the rate of 1*d.* for each time they have attended. I will now refer to the point as to the vested interests of certificated masters. One condition of the granting of pecuniary assistance by the State is that there should be a certificated master. We propose to alter that condition in this way—that he should be a certificated master duly paid, and he will be considered to be duly paid only when he receives from the managers of the school three times the amount of the present augmentation grant attached to his certificate. He will, likewise, have the first lien on the capitation grants given to the managers.

I have again to thank your Lordships for the patience with which you have listened to a long statement. In making the modifications which I have announced, we have, I think, made considerable concessions to the reasoning and the feelings of managers of schools, and of all engaged in the work of education. At the same time, we have not neglected the duty which we owe to the taxpayer and to Parliament—the duty, namely, of seeing that adequate results are obtained for the money expended by the State. I trust that, for the future, instead of destroying the good which has already been done by the system of Parliamentary grants, we shall carry on the progress hitherto achieved to a still further point, and that the changes we have introduced will result in the advancement and extension of education in all parts of the country.

Minute by the Right Honourable the Lords of the Committee of the Privy Council on Education establishing a Revised Code of Regulations: *Presented* (by Command); (No. 7.)

THE EARL OF DERBY: My Lords, I do not rise for the purpose of attempting to follow the noble Earl in the very clear, calm, and temperate statement he has made to your Lordships, but simply to say that I think it would be undesirable to enter at present upon the discussion of so large a question as that raised by the modifications which he proposes to introduce into the Revised Code. It is impossible that we can discuss that question with advantage until we have had a full opportunity of considering the effect of the proposed modifications and of the scheme as a whole. Meanwhile I have no hesitation in saying, whatever objections I may still have to many parts of the scheme, that the modifications which the noble Earl has announced appear to me to be all in the right direction. I am quite sure your Lordships must desire that this question, if discussed at all, should be discussed in the absence of everything approaching to party feeling, and with an earnest wish to carry out the great object of the Privy Council scheme—namely, the real and permanent improvement in the education of the labouring classes of the community. There is one point upon which I am not certain that I understood the noble Earl. I am not sure whether he expressed his intention to allow the amount of assistance given to the training colleges to remain unaltered. Nor did I hear from the noble Earl any statement of his intentions with respect to requiring pupil-teachers to attend a second as well as a first year in the training colleges. That is an important point, not only with regard to the qualifications of the pupil-teachers themselves, but also with respect to the supply of schoolmasters furnished to the country at large. It is stated by the Commissioners that the number of pupil-teachers sent to the training colleges, as well as the number of schoolmasters furnished by those institutions, is at present about equal to the requirements of the country; but if you send the same number of pupil-teachers to the training colleges, and limit their attendance to one year instead of two years, the practical effect will be at once to double the supply of schoolmasters, and to diminish their efficiency. I shall be glad to hear from the noble Earl whether the Government have reconsidered that part of the Revised Code. Perhaps the noble Earl will lay on the table a copy of the Revised Code with the modifications noted on the margin, so that we may be able to judge of

the course he intends to pursue, and to estimate the value of the alterations he proposes to introduce. I cannot sit down without doing the noble Earl the justice to say that nothing could be more clear, more fair, or more candid than the statement he has made to your Lordships; and I can only hope that in all our discussions upon this subject we shall endeavour to imitate the admirable temper with which the noble Earl has brought the matter before us.

EARL GRANVILLE: I must tender my acknowledgments to the noble Earl for the manner in which he has been good enough to recognise the efforts of the Government to meet some of the objections to the Revised Code; and I must also re-echo his desire that no party feeling may be introduced into the discussion. I hold in my hand the Revised Code in which I have marked all the passages that are new in distinction from the old; and by the side of these I have placed all the amendments which it is now proposed to introduce, and I have no doubt your Lordships will find it perfectly clear and intelligible. In reply to the noble Earl, I have to state that we propose to allow the assistance given to the training colleges with respect to lecturers, certificated assistants, and Queen's scholars to remain precisely as at present. The point with regard to the attendance of pupil-teachers will require some further consideration; but I concur generally in the remarks of the noble Earl upon that head.

LORD EBURY, seeing that the main object of the Privy Council system was the education of the labouring classes, asked the noble Earl whether he intended to insist in future upon those very high acquirements on the part of a schoolmaster which had hitherto been considered necessary to entitle him to assistance from the State? The noble Lord stated that a friend of his having recommended the appointment of a schoolmistress, whose qualifications being deemed insufficient, the only concession he could obtain was that the knowledge of the Latin roots of words would be dispensed with.

EARL GRANVILLE: All our recent alterations have been in the direction of limiting the subjects of examination. My own opinion is that it is impossible for a schoolmaster to learn too much, provided the instruction he receives is thorough and complete, but it is a disadvantage rather than an advantage when he ranges over a

The Earl of Derby

great number of branches without mastering any one of them.

LORD LYTTTELTON, who had placed on the paper a series of Resolutions offering objections to the Revised Code, said, that the noble Earl had in a great measure taken the wind out of the sails by the elaborate statement he had just made. He (Lord Lyttelton) need scarcely say that he had placed these Resolutions on the paper only *pro formâ*, and had no intention of using them in their present shape. It was quite clear, at the same time, that the noble Earl's concessions would not satisfy all the objections he entertained to the Revised Code. He did not wish to prejudice the question further, but in the event of objections similar to those he felt not being brought forward by some other noble Lord, or right rev. Prelate, he should certainly bring forward his view of the subject again, and possibly early in next month.

House adjourned at a quarter before
Seven o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 13, 1862.

MINUTES.]—NEW WRIT ISSUED.—For Longford County, *v.* Lieutenant Colonel Luke White, Commissioner of the Treasury.

PUBLIC BILLS.—2^d India Stocks Transfer; Exchange Bills.

THE HARTLEY COLLIERY ACCIDENT. QUESTION.

MR. H. B. SHERIDAN said, he would beg leave to ask the Secretary of State for the Home Department, Whether with reference to the recent calamitous accident at the Hartley Coal Pit, he has received any information from the inspectors of mines with reference to the necessity of there being two shafts to each working mine; and whether his attention has been drawn to the verdict of the Jury at the coroner's inquest at Newcastle, and the recommendation contained therein, that all working collieries should have a second shaft or outlet, and the further recommendation with reference to the beams of colliery engines being made of malleable instead of cast metal; and further, whether it is his intention to take any, and what,

steps in connection with these proceedings and recommendations?

SIR GEORGE GREY said, he thought the question of the hon. Gentleman had been partly answered by the papers upon the subject which had been laid on the table of the House, containing a copy of a circular, addressed to the inspectors and the instructions to Mr. Blackwell. The report of Mr. Blackwell, when received, would, no doubt, be found to contain valuable information; and that information and any suggestions he might offer, together with the answers to the circular, would be carefully considered, with the view to the adoption of such measures as might appear practicable to prevent the recurrence of such a fearful loss of life as had occurred at the Hartley Colliery.

RAILWAY ACCIDENTS.

QUESTION.

MR. BENTINCK said, he had to ask the President of the Board of Trade, Whether, in consequence of the repeated recurrence of railway accidents, it is the intention of Her Majesty's Government to introduce, during the present Session, any measure founded on the Report of the Committee on Railway Accidents which was laid upon the table of the House in 1858?

MR. MILNER GIBSON said, that from the reports which had been made by the inspectors of recent railway accidents, it did not appear to the Board of Trade that any new circumstances had arisen during the past year which rendered the interference of the Legislature in the management of railways desirable. Therefore, it was not the intention of the Government as then advised to introduce any Bill on the subject. He might add, that although two very lamentable accidents had occurred during the past year, by which a number of lives were lost and several persons injured, yet the whole number of accidents in 1861 was less than in any year, except 1857 and 1858, since 1851, although the mileage for railway traffic had increased in that time some 50 per cent, and the number of passengers 100 per cent. In consequence of the Clayton tunnel accident, it was thought right to circulate among the railway companies an extract from Colonel Tyler's report on that accident. That report contained suggestions for the more efficient working the electric telegraph, and other modes of obviating

similar accidents. It had been the practice, and would be, to circulate such information as would be likely to prevent the recurrence of accidents. If, however, the recommendation of the Committee on Railway Accidents in 1858 had been carried out, they would have had no effect in preventing the accidents to which he had alluded. Under present circumstances, therefore, the Government was not prepared to legislate on the subject.

HARWICH HARBOUR.

QUESTION.

CAPTAIN JERVIS said, he rose to ask the President of the Board of Trade, What steps have been taken to prevent the extension of sand deposit at the eastern entrance of Harwich Harbour?

MR. MILNER GIBSON said, that the Government, impressed with the great importance of preventing Harwich Harbour from being injured by the silting up of the entrance, had ordered a survey to be made by a competent engineer, and a plan for amending the evil complained of was ready for adoption. But it had been thought that as Harwich and Ipswich would derive very considerable advantage from the outlay, they ought to contribute a proportionate share of the expenses. The Government was prepared to do its part, and if the two towns he had named came forward with their contributions they would enable the plan to be carried out.

JOINT-STOCK COMPANIES.

QUESTION.

MR. ALDERMAN SALOMONS said, he wished to ask the President of the Board of Trade, Whether it is the intention of Her Majesty's Government to introduce any Bill for the consolidation and amendment of the law relating to joint-stock companies?

MR. MILNER GIBSON said, his hon. and learned Friend the Solicitor General would submit such a Bill.

H. M. SHIP "THE WARRIOR."

QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the Secretary to the Admiralty, If there is any truth in the statements which had appeared in the newspapers as to the bad qualities at sea of Her Majesty's ship *Warrior*; and whether

he will state to the House the nature of any official Report which has been received at the Admiralty as to the performances of that ship during the heavy gales to which she has lately been exposed?

LORD CLARENCE PAGET: Sir, in answer to the question of the right hon. Gentleman, I have to state that we have received no official report whatever from the *Warrior*. She has arrived at Lisbon, and the only intelligence we have is contained in a letter from Captain Cochrane to the Comptroller of the Navy. He says—

“You will be glad to hear that we have had a continuation of gales of wind. The ship behaved very well—nothing strained—no accident. We found the mainyard slightly sprung, but we fished it at sea with iron fishes, and it is now as strong as ever.”

He adds, at the end of the letter—

“The spring in the yard I do not consider has anything to do with the sailing or working of the ship.”

That report, it will be seen, is very favourable, and as I have been for a cruise in the *Warrior* myself, and encountered bad weather, I can corroborate it, and can state that I believe her to be a first-rate sea-going ship.

INDIA STOCKS TRANSFER BILL.

SECOND READING.

Order for Second Reading read.

SIR HENRY WILLOUGHBY said, there was an impression abroad that as the dividends on India stocks were paid at the Bank of England, they were guaranteed by the British Government. Of course that was a mistake, but he hoped care would be taken to exclude from any Bill on the subject anything that would justify the idea.

SIR CHARLES WOOD said, that no guarantee had been or was intended to be given by the British Government. The Bill merely authorised the transfer of India Stock in the same way as other stock.

Bill read 2^o.

EDUCATION—THE REVISED CODE O REGULATIONS.

MR. LOWE, having brought up certain papers on the Education Minute, on moving that they do lie on the table, said,* These papers contained the projected amendments on the Revised Minute of the Regulations of the Committee of the Privy Council on Education. They form the result, as far

as we are concerned, of six months' controversy. We have paid the greatest and most respectful attention to the opinions which have been ventilated by a number of very able gentlemen in pamphlets and in other ways; and being sincerely anxious to profit by the labours of those whose experience and ability enable them to judge the subject, we have endeavoured to make the Minute conform, as far as our sense of public duty will permit, to their views. I cannot presume that all hon. Members have spent the last six months, as I have, in the perusal of pamphlets and speeches upon this Minute, and, therefore, in order that the House may thoroughly understand what I say, it is necessary to fix the exact limits of the controversy which has been going on. The object of the Committee of Privy Council cannot be better or more briefly explained than in the words of its own minutes. The object of the Privy Council is to promote education among the children of the labouring poor; the means that it adopts for carrying out that object are to give assistance to voluntary effort, and the species of voluntary effort to which it gives assistance is defined by the minutes of Council to be schools in connection with some recognised religious denomination, or a school in which, besides secular instruction, the Scriptures are read daily from the authorized version. No grants are made to schools which are not open to inspection, but the Inspectors, acting as Inspectors—the distinction will be found to be material—do not interfere with the religious instruction, discipline, or management of the schools, but are employed to verify the fulfilment of the conditions on which the grants are made. No annual grant is paid except on a report from the Inspector after a periodical visit showing that the conditions upon which the grant is made have been fulfilled. Thus, it appears that the religious element underlies the whole system of Privy Council Education, and that it is only in connection with religious denominations, or with societies like the National and British and Foreign School Societies, which are religious in their tendencies and objects, although not strictly constituting religious denominations, that the public grant is administered. The condition on which the grant is given is that the Inspectors shall be satisfied with the state of the school generally; but, except in the case of Church of England schools, the inspector does not inquire into the religious instruction. That is trusted to the

Sir John Pakington

religious denomination to which the school belongs.

In the case of the Church of England, however, there is an exception. By an Order in Council bearing date 10th August, 1840, it was provided that the Inspectors of Church of England Schools should be persons approved by the Archbishops of Canterbury or York respectively in their different provinces; that they should be removable at the pleasure of the Archbishops, and that duplicates of their reports should be sent to the Archbishops, and to the bishop of the diocese in which the schools reported upon are situated. That order is in full force, and cannot be repealed except by an Act of Parliament, or by another Order in Council. The Committee of the Privy Council have no power and no wish by their minutes to alter it in the slightest degree. Thus, it follows, that the Inspectors of the Church of England schools, which are four-fifths of the whole number of schools under the administration of the Privy Council, do inspect the state of religious instruction in those schools; but that they do so, not in their character of Inspectors of the Privy Council, but in the other character with which they are clothed by the Order of 1840—that is, as servants in some degree of the Archbishop, as the case may be, of Canterbury or York. Their report as to religious instruction is sent in to the Privy Council with the rest of the reports; and unless that report is satisfactory, no grant is made to the schools.

Passing from that part of the subject, I will next state to the House the mode in which assistance is given to schools. The assistance for the maintenance of Schools is given in the form of what are called, in the language of the Education Department, annual grants. These grants are of three kinds. The first is the capitation grant, which is given for each child who has attended school for 176 days and upwards in the year. This grant varies from 3*s.* to 5*s.* for girls, and from 4*s.* to 6*s.* for boys, and may be fairly averaged at 5*s.* a child. The condition upon which the grant is made is that 14*s.* per child has been expended in the school. That grant amounted in the Estimates of last year to £77,000. The next grant is the grant for what are called certificated teachers, and consists of certain allowances to certificated teachers. The first and most prominent of these is what is known as the augmentation grant. That is a grant which is made to the

teacher upon his certificate. The Committee of Privy Council holds examinations every year, the successful candidates at which receive certificates. These certificates have a certain money value, which varies according to the class which the candidate obtains, and which may be increased every five years. This money value is called the augmentation, and the condition on which it is given is that the managers of schools shall contribute twice as much as the augmentation grant; that is to say, an augmentation of £15, for instance, will not be payable to the teacher unless the managers contribute at least £30. These augmentation grants are expressed in the broad-sheet of the Privy Council to be given in aid of the salary of the teacher, and they are also, in the Minutes of the Committee of Council, said to be given as a means of distributing the grant to schools; but in no case are they given unless the report of the Inspector upon the school is satisfactory. I may note in passing (I shall have to recur to the subject, and will not dwell upon it) that these grants are liable to be withheld, even though the teacher be guilty of no misconduct, although the misconduct should be wholly on the part of the managers, and the teachers should have no part in it whatever. This grant also includes allowances for teaching pupil teachers to draw, and for teaching the Gaelic and Welsh languages; and it was estimated last year at £122,000. The next grant is made to pupil-teachers, who are taken into the service of a school at thirteen, and continue in it for five years. The payment for the first year is £10, and it rises by sums of £2 10*s.* annually up to £20. The whole of the sum so expended is granted by the Government, and the managers contribute nothing towards it. The amount of the grant for pupil-teachers, according to the estimate of last year, was £300,000. These three grants together, speaking roughly and omitting some petty sums, such as allowances to assistant-teachers and other smaller matters, make up a sum of about £500,000.

The question of Education was in the year 1858 referred by Her Majesty to a Royal Commission. That Commission has, after three years' investigation, made a Report, and the effect of that Report is that it recommends the continuance of the system of giving assistance to schools by the Privy Council upon the principles which I have enumerated; it gives the

weight—and it is very great weight—of its approbation to the system of basing the assistance given by Government upon voluntary religious effort; it recommends the continuance of that part of the system which I described before, speaking of the annual grants, but it advises the total abolition of those grants, and the substitution for them of capitation grants, one to be paid by the Central Government for every scholar who has attended school; another to be paid upon the average number of pupils in attendance who can be shown to have been under the instruction of pupil-teachers; and another to be paid out of the county rates upon the examination of the pupils. This Report was presented in March last, and the question was necessarily forced upon the department as to how far we were prepared to go with the Report of the Commissioners, and whether we could endorse it wholly or in part. There were reasons, which will appear as I proceed, which induced us to think that the matter admitted of no delay. We took it into our most serious consideration, we investigated it with all the means at our command—and, thanks to the assistance which we are fortunate enough to have at the Education Office, it is very considerable—and we came to the conclusions which have been embodied in the Revised Code, and are now before the House. This House is now in a position to form an opinion as to that Revised Code. The question is regularly before it, and I hope that hon. Members will not think that I am trespassing unduly on their time and patience if I proceed as briefly as I can to lay before them the reasons which weighed with the Committee of Council in coming to the decision at which we have arrived. We felt it our duty to take the calmest and most dispassionate review of the existing system of education, and to form a decision by which we were prepared to stand. We have done that, and I will now, if hon. Members will allow me, take them entirely into my confidence, and put them, as far as I can, in possession of the motives which have weighed in my mind, and I believe in that of the head of the department, in arriving at the conclusion at which we have arrived.

This system, it is perfectly well known to all who have taken much interest in it, was, and is, I may say, up to the present moment, a tentative, provisional, and, if I may so apply the word, a preliminary one. These annual grants were established by

persons and at a time when it was believed that the Education question would end in a system of rating throughout the country. They were established with views preliminary, provisional, and tentative; and, if there were any doubt of that, I think the fact is sufficiently proved both by the frequent Motions which have been entertained in this House for a definitive settlement of the question, by the appointment of the Royal Commission itself, whose Report has given rise to the present crisis in educational matters, and above all, by the authority of Earl Russell, who was the leading Minister in the House of Commons at the time when the Privy Council Committee was established, and who, in a speech in this House in the year 1856, made use of the following expressions:—

“I do not think it was intended by those who in 1839 commenced this system that its plan should be such as to pervade the whole country; on the contrary, the object was rather to create models of teaching, and to exhibit such improvement in the mode of education that the obstacles which stood in the way of a national system might in the process of time be removed, and a scheme propounded for which experience might be said to presage success.”

We have thus meeting us *in limine* this difficulty:—We are to consider a system in its nature tentative, provisional, and preliminary, and see how it can be made into one which shall be definite and final—a system on which the education of this country can ultimately repose and find peace after so many stormy epochs. I make that remark because I hope to free myself from any imputation of presumption if I take the liberty of criticising rather freely the rules of the department it is my duty to administer. There were a great many things in this system excusable—I will say more, defensible, even right, if regarded from the point of view of Earl Russell's statement, considering the object of the Privy Council regulations to have been the establishment of a provisional system, clearing the way for something more definite, precise, and final, which things cannot be regarded as right and proper when the system is to assume its final form. And, therefore, when I offer such criticisms as I mean to do on the present system of granting money from the Privy Council, I beg the House to understand that I am criticising it from the point of view of a final system, and that I am not presuming to detract from the acknowledged merits of the scheme as one of preliminary education. It may be that a pre-

liminary system may also be fit to be a final one, that a thing designed for one end may perfectly answer another for which it was not designed, but this is a rare and strange felicity which seldom happens at all, and has not happened to the educational department.

One other remark I wish to make. It is generally the practice for those who have a question to introduce to elevate its importance, and to speak of themselves as being overwhelmed by its weight. I, on the contrary, beg the House not to overestimate the importance of this question. That it is one which excites a great deal of feeling, and which binds up a great many interests, nobody can deny. No regulations which distribute £700,000 a year among 40,000 persons can do otherwise. But in itself it is not a question of first-rate magnitude—it is not, as I have told the House, of the same importance as the educational controversies we have had before, and it really will be found to turn on the point simply of annual grants. I will say at once that we were satisfied by the reasoning of the Commissioners, and also by the feeling of the country, of which we had pretty good means of judging, that it would not be wise or right in us to attempt to innovate on the foundations of this system. After, I hope, proper consideration, we have loyally subscribed to the necessity for the existence of the present educational system. It has struck its roots in the country, and we do not think it wise or right, to whatever theoretical objections it may be justly exposed, to disturb it. It is one of those things, instituted originally with a provisional and preliminary view, which have gained such a hold on the country as to be now impossible to remove. I have heard of a man who went to call on a friend, and who stayed with him thirty years. Very often we find that a thing introduced by way of experiment takes root, and when the time comes for removing it, it is found that the experimental stage has passed, and that it can no longer be treated as an experiment. Without, therefore, saying that were I at liberty to choose abstractly what I thought best for the education of the country, I should prefer the present system, I am quite prepared to say on behalf of the department I represent that we adopt it as the basis of our proceedings, that we have no wish to disturb any of its fundamental principles, and that after full investigation we are endeavouring loyally and honourably to carry

out its spirit in the manner which we believe will best insure its permanence and efficiency, and which, as far as its fundamental conditions allow, will obtain for it the affection and confidence of the country.

The first fault I find in the system—one which the Commissioners have also reported upon—is what I shall call its partiality. That may not be a fault in a tentative system, but when we come to deal with what we hope to consider a national system, it is a great defect if it does not pervade and permeate the whole of the country. That, unfortunately, is not done by existing arrangements. The Government abandons the initiative; and it leaves it to the managers to say where the schools shall be established, and, so to speak, follows their lead. The consequence is, that the foundation of schools is regulated rather by the wealth and public spirit of the inhabitants than by the absolute wants of the locality. We have no power of altering this state of things, and, under the present system, I do not see that we have any chance of being able to do so. We must accept the situation and make the best of it. I proceed to show the House how entirely this statement is borne out by facts, in order to lead them to appreciate the remedy we hope to apply to the evil. The number of schools assisted by the Privy Council, at least at the time when the Commission reported, was 6,897. The number of schools of the same class, unassisted by the Privy Council, was much more than double—namely, 15,952. It is fair to say that the unassisted schools are very much smaller than the assisted schools, and, though their number is greater, the pupils they contain are much fewer. In the assisted schools there were 917,255 pupils; in the unassisted 675,155. Still, that is a very large proportion. If we go further, and extend our view from the schools to the class for whose education the Privy Council wish to provide, the children of the labouring poor, we find the proportion of children assisted to children unassisted, is as four to five. If, in addition, we take into consideration the fact reported by the Commissioners, that of the children in the schools of the Privy Council only one-fourth are taught thoroughly well to read, write, and cipher, the result comes out in this rather mortifying form, that of the children that are in the schools which the grants of the Privy Council are intended to assist, only one-ninth get the benefit of a really good education. Further than that, on taking

parishes in different dioceses whose population is under 600, these results are obtained:—In Oxford out of 339 parishes, only 24 schools are in connection with the Privy Council; in Hereford, out of 130 parishes, only 5 are in connection with the Privy Council; in Devon, out of 245 parishes, only 2 are connected with the Privy Council; in Dorset, out of 179 parishes, only 10 are in connection with it; in Cornwall, out of 71 parishes, only one is connected with the Privy Council. Now that is no discredit to a tentative and preliminary system, but it would be a discredit to that system which we wish to render permanent in this country, if we could not meet this great and pressing want. These districts contribute to the revenue equally with others, and it is exceedingly desirable, both on the ground of justice and of policy, that they should receive back some share of the money. The way in which it has always been suggested that this should be done is by making a lower kind of teacher. But, then, there is this great difficulty:—The present system sets everything on the teaching. If the teacher be a good one, the end for which the grants are given is attained. If the teacher be a bad one, it fails. We have no real check on the teaching to any great extent. It seems to me that the only possible condition under which, without a reckless expenditure of public money, we can possibly recommend that teachers of an inferior class should be employed in these schools would be on the understanding that there shall be some collateral and independent proof that such teachers do their duty. And that I think it will appear is only to be found in a system of individual examination.

The next fault in the present system mentioned by the Commissioners is its complexity, which arises from our appropriating every grant, and paying away the money ourselves. The number of persons with whom we have to deal at this moment is almost incredible. For the year which has just terminated the number of schools under inspection was 9,957; the number of certified teachers receiving grants, £8,698; of probationary teachers, 491; of assistant teachers, 381; pupil teachers, 16,277; and the number of Queen's scholars, 2,527; making altogether, if we count one manager for every school, the very respectable army of 38,331 persons, all engaging the attention of the Privy Council, and most of them receiving money directly from it. We pay money directly by Post-office orders

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to the whole 16,277 pupil teachers, whose salaries, moreover, are variable, beginning at £10, and rising gradually to £20. We pay money directly to the whole 8,698 principal teachers, and the amounts vary, owing to all sorts of circumstances. We are, besides, in correspondence with 9,957 sets of managers, so that the correspondence and payments of the Department are exceedingly large and complicated. Nor is this all. The House will see that we are not working with officials subject to Government discipline, who will be content with short answers, but co-operating with persons who have every right to demand attention and respect, because they come forward voluntarily to assist with time and money the advancement of the cause of education. Charitable persons are not necessarily business men; and their correspondence is sometimes very long. If a manager make a request which cannot be complied with, we have to explain matters, and in many instances he returns to the charge again and again. He must be met, not by a summary refusal, but by one accompanied with explanation. I will give the House an instance. A most excellent gentleman wanted to have a pupil teacher apprenticed to the wife of the schoolmaster in a case where it was not right that that should be done. The sum at stake was about £15; yet the correspondence took about six letters on each side before he got a refusal. He wrote up to say that he would wish to see me. Of course I had nothing to do but to accede with pleasure. The interview occupied about an hour, during which what had been stated in the correspondence was all repeated over again, and in the end I was obliged to say that we could not accede. He went home, but on his return wrote a letter re-opening the whole question. When gentlemen say that there is nothing so ridiculous as for the Committee of Council to complain of complexity, and when they refer to the Army and the Post Office, they forget this difference—that in these two departments the correspondence is with official persons, while that carried on by the Committee of Council is with private individuals. Again, our correspondence is with persons who, though highly respectable and animated by a desire to do what is right, have a direct interest in putting the facts in one point of view. We, therefore, have to be very careful in order to obtain the facts correctly, and this very often involves long and laborious interrogations. I admit that

in a tentative and preliminary stage this may have been quite right. Probably all this amount of care on the part of the Committee of Council was the only way by which national education could have been got through the preliminary stages; but it never can be permanently maintained.

I have further to observe that this system is evidently destructive of the proper control of this House. We have by this complexity the power of saddling the public with very heavy expense without the House knowing anything about it. One word in a letter may make a difference of some thousands; and though the accounts are submitted to Members, they may never discover the increase made in that way. I believe it to be very important that Parliament should have all control over this system; but under the present arrangements we can never have that control without great complexity of machinery, and without expecting that each hon. Gentleman shall master the entire of the details. On the other hand, no doubt this system of complexity was intended, in the first instance, to secure a proper control by that department, which should hold the funds with an iron hand, and allow of no expenditure that was not proper. I repeat that in a tentative plan that may have been very wise; and I think it would be very wrong to do away with the present safeguards, however inconvenient, without providing some sort of equivalent. It is important that the Privy Council should know that the money voted by this House has been well spent, and spent for the purpose intended. Can they be assured of this if we cancel the present complex regulations and pay over the money direct to the managers? Managers are a fluctuating body. This year you may be in correspondence with a very attentive and careful manager, who is the life and soul of the school. Next year he may be dead, and you may have one who is not so exact or so thoroughly acquainted with his duties. One of the greatest inconveniences that we have to deal with is, that the managers are a fluctuating body. That we should have a power over the managers merely to the extent of seeing that schools were in existence and appropriated to the purposes of education, without some guarantee that the education given in them was of a satisfactory character, and that the public money was properly applied, would not, I think, be deemed satisfactory; yet

if we take the guarantees that I have already alluded to we shall never get out of the complexity in which we are now involved. I cannot suggest any way in which we shall secure the desired control but the one which we propose. Once we pay over the money, we cannot follow it to the uses to which it is applied; but we can be satisfied that it is well applied on the whole, and make our grants dependent on that. I believe that the only substitute for this circumlocution and red tape—the only check on managers—is not to be had by the payment of teachers, but by the examination of the pupils.

The next point to which I shall call the attention of the House is one thus referred to in the Report of the Commissioners. I wish to use their own words, and they are these:—

“It appears that even in the best schools only one-fourth of the boys attain the highest class, and are considered by the inspectors to be successfully educated.”

They further report—

“That they (the schools under the Privy Council) have not yet succeeded in educating to any considerable extent the bulk of the children who have passed through them, is true.”

These are very strong and startling opinions, and we should have been very glad if we had any way of refuting them. But the Commissioners considered these subjects with the greatest attention; and with the report of the various Inspectors before them they made those statements. I recollect that the right hon. Gentleman the Member for Oxfordshire last year called attention to the fact that the statements of the Commissioners seemed to be at variance with the reports of the Inspectors; and I must say that at first sight that does appear to be the case. The Inspectors report that in 90 per cent of the schools the reading was taught “excellently or well;” that in 89 per cent writing was taught “excellently or well;” and that in 83 per cent arithmetic was taught “excellently or well.” Certainly that seems hardly reconcilable with the report of the Commissioners; but we must not forget that the Commissioners were perfectly cognizant of those assertions, and that still they came to the conclusion which I have just stated to the House. I think the two statements may be reconciled without any imputation on either party. Earl Russell explained this system as a type or model of education, and I think the objects principally regarded

the inspection of schools have been the quality of the education and the qualification of the teachers. The Inspectors looked mainly to the qualification of the teachers, and when they said that those three subjects were taught "excellently or well," in so large a percentage of the schools, they meant that in all those schools there were persons who taught those subjects "excellently or well;" but I do not think that they meant to imply that they were equally well learnt. They speak of the quality, but they do not say so much about the quantity. I do not deny that quality is a very important thing, but when I come to a final system I cannot but think that quantity is, perhaps, more important. In making this remark I hope I shall not be understood as imputing any blame to the gentlemen who act as Inspectors; but having looked into the matter as well as I could, I have come to the conclusion that inspection as opposed to examination is not, and never can be, a test of the efficiency of a system of national education. Inspection is invaluable in many ways, but I say that it is not calculated to test in a crucial manner the merits of a school. In a minute of 1853 there was this direction—

"That three-fourths of the scholars above 7 and under 9 years of age, three-fourths of those above 9 and under 11, and three-fourths of those above 11 and under 13 respectively, pass such an examination before her Majesty's Inspector, or Assistant Inspector, as shall be set forth in a separate minute of details."

That clearly shows that in contemplation of the Privy Council at that time examination was to be a part of inspection; but that never has been so. Such an examination has been, I believe, made by some Inspectors; but in a great number of cases, avowedly, that part of the Minute has never been put in force. I am not blaming the Inspectors for that. Their attention was not called to it by the department, and the central office is to blame if there be any blame in the matter. I would remind the House that an examination of classes is a very different thing from an examination of individuals. Although an Inspector might not be satisfied with a class he might not wish to deprive the school of the grant on that ground, and we cannot blame him. The fact is, there is a distinct conflict between the Commissioners and the Inspectors, which it is difficult to reconcile, unless in the manner I have mentioned. Another objection to the reports of the Inspectors as a test of the

actual efficiency of a school is their use of abstract phrases in describing the efficiency of the school. It is like the error in Platonic philosophy; they deal with the abstract and not with the concrete. They give a general notion of the schools, but they treat the school as something distinct from the scholars. They have examined a few children, and make a report, and, doubtless, a very true report, as to the quality of the education given to them. Their reports are full of such phrases as "the average proficiency of the children," but they speak of no particular child. They speak of the "general efficiency," the "general impression on the whole," the "general review," &c. They deal in impalpable essences, such as "the moral atmosphere," the "tone," the "mental condition," not of the children, but as an abstract idea, of the school. Such information was valuable, but it did not afford such a test of the efficiency of the teaching as would justify us in setting up the reports of the Inspectors against the deliberate inquiry made by persons of so much authority as the Commissioners. The real truth is, that what we had in the reports of the Inspectors is the quality of education, which depends on the mind and qualifications of the masters. What we do not learn from their reports was the result of the labours of the teacher, and the amount of trouble and toil they bestowed on the children. Our inspection failed, as it always will fail, to ascertain that point. I am now investigating, as well as I can, which is right.

Supposing that there exists an antagonism between the reports of the Inspectors and the Commissioners, I am confirmed in my belief that the Commissioners are right by the tone of the controversy. If the Inspectors are right, and ninety per cent of the schools are really taught, the language that might be expected to be held by those interested in schools is—"Your examination is superfluous; but if you think it right to put the country to the trouble and expense of an examination, we shall get more than we do at present. Our schools will bear any test." Instead, however, of saying that the examination is needless, the language held is, that the examination would be ruinous, and that the schools will not stand it. Nay, a physical theory of stupidity has been invented to show why it will be impossible for the children to pass the examinations. One gentleman of great authority says that "the first gene-

ration of pupils inherit a physical incapacity to read, write, and cipher;" that, in fact, unless their fathers have been taught to read, write, and cipher, it is impossible, or at least exceedingly hard, for them to learn these useful acquirements. He also argues that "these mechanical results must follow and not precede the moral and religious training of the children," so that no one can be taught to read, write, or cipher unless first taught morals and religion. If that dictum had been known to Diogenes he might have saved himself the trouble of lighting his lantern to find an honest man. He would only have had to catch the first man who could read, write, and cipher, and he would have got him. Here is a town in England, the name of which I will not mention, in which there are two schools. It does happen that both of them received the same sum—about £240 a year—from the Privy Council. One of these schools is strongly in favour of the Revised Code, being satisfied that, after all deductions, they would get £350. The other is as strongly against the Revised Code, because they are satisfied that, when the deductions were made, they would get only £115. This shows how little our grants are founded on any precise notion of the efficiency of the teaching in the school. The fact is, that if we mean to make our system permanent, we must make up our minds on what principle we are to proceed. What is the object of inspection? Is it simply to make things pleasant, to give the schools as much as can be got out of the public purse, independent of their efficiency; or do you mean that our grants should not only be aids, subsidies, and gifts, but fruitful of good? That is the question, and it meets us at every turn. Are you for efficiency or for a subsidy? Is a school to be relieved because it is bad, and therefore poor, or because it is a good school, and therefore efficient and in good circumstances? For my own part, I think there is nothing fairer than this. Here we have two champions in the lists. I will say nothing of my own department, except, perhaps, to remark that the Report of the Commissioners made our situation absolutely untenable. Lord Granville and myself felt that we could not sit still in the face of that Report without showing the House and the country that we had done all in our power to remedy this state of things. You have got the Commissioners asserting one thing and the Inspectors asserting another. The Commissioners said

that only one-fourth of the children were properly instructed, while the Inspectors contended that ninety per cent of the schools were either excellently or fairly taught. And the Department of Education had to judge between the two. What were we to do! What honest men ought to do—not to leave this matter under a cloud of uncertainty. We said, we will appeal to facts, and not go on reasoning *à priori*. We said, we will go to the schools, examine the children child by child, and have a complete report, and then we shall know whether the Inspectors or the Commissioners are right. If the Inspectors are right, we shall have carried a great point, vindicated our department, and done no harm. If they are wrong, we shall remedy a great evil. I have no doubt the Commissioners are right, judging from their authority, and the enormous amount of confirmation they have received from the admission of all the controversialists, who declare that they cannot satisfy any such crucial tests as the examination proposed. They have said, "Issue a circular to the Inspectors." But it would be trifling with the House to suppose that a circular would have the desired effect. I believe we must appeal to the passions of the human mind—that we must enlist hope and fear to work for us—that we must hold out a prospect of sufficient remuneration if the children are properly taught, and of loss if they are not, or we shall do nothing. The Commissioners truly say:—The present defects of teaching and inspection aggravate one another, and till something like a real examination is introduced into our day-schools good elementary teaching will never be given to half the children who attend them.

I now proceed to another head—the question of expense. I hold that whatever you decide on the question of Education will also decide the question of expense. It is no duty of ours to starve any system which the House of Commons supports, nor to make a parsimonious proposal for the expenditure of the public money; but it is our duty, and one we ought zealously to discharge, in administering whatever system of Education may be decided on, to take care there is no extravagance, that the public get an equivalent for the expenditure, and that there is no gross and flagrant inequality in the grants made to schools. I have looked into this question in order to see what grants some of the schools receive. I took at random a book

containing the grants to 250 schools. The children of these schools might fairly receive 10s. a head, that being considered by the Commissioners a fair amount for each child to earn. I examined the 12 schools where the grant is highest. Well, the first school receives from the public, instead of 10s., no less than £4. 3s. 4d. each child; the second £1. 7s. 6d.; the next, £1. 5s.; the next, £1. 4s. 1d.; the next, £1. 3s. 9d.; the next, £1. 3s.; the next, £1. 3s.; the next, £1. 2s. 8d.; the next, £1. 0s. 9d.; the next, £1. 0s. 6d.; and the next, 19s. 4d. The lowest is 19s., or nearly double the sum that the Commissioners think ought to be paid for each scholar. I then took another book. In the first case, I found the grant per child, on average attendance, was £1. 8s. 11d.; the next, £1. 7s. 5d., and so on down to the lowest, which is 18s. 9d. It seems to me that this is very important, because when we are told that any change in the grant must diminish the assistance given to the schools, we are never told what the actual amount of that assistance is. That makes all the difference. The fact is that a great many of these schools are receiving under the present system a great deal more than they are entitled to, and no system can be entitled to support that does not make provision for diminishing that inequality. There are three sources that go to make up the income of a school—first, the subscriptions of the charitable persons who founded the school; the second is the school pence; and the third the grant from the Privy Council. The school pence may be left out of the question, for they are given for value and much more than value received. It is supposed that we only give a third, but the fact is that the subscription given by the managers of the school and the grant of the Privy Council are exactly equal, and amount to 11s. 6d. each. But if we add the expenses of the Central Office, of inspection and the training colleges which exist only for the purposes of the schools, the ratio of the grant becomes 15s. 6d. to 11s. 6d. subscription, or in the ratio of nearly four to three. Then I find that the present capitation grant is often absolutely wasted. People do not know what to do with it when they get it; it is absolute surplus, and in some cases part of it has been given to the children who have earned it for the schools by their attendance. Then it appears to me to be improper that the Privy Council should pay the whole cost of the

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pupil teachers, as it does now. We profess to aid voluntary effort, and yet £300,000 is given to persons to whom the schools give nothing. We give inducements—very particular inducements, to employ pupil teachers, rather than assistant teachers. We ought to stand neutral between the two classes. We ought not to throw our sword into either scale; but we pay the whole salary of the pupil teachers, and only a part of the salary of other teachers. Then, with regard to the masters, there is another instance of extravagance. We pay an augmentation to masters with a view to fixing a *minimum* to the masters' salary, which should never fall below £45. But a case of so low a salary has never arisen; the market has always kept above that limit, and yet we have always paid the augmentation, although the circumstances which that grant was calculated to meet never came into effect. But what is the *maximum*? The schoolmaster may receive, I do not suppose any one man ever did, £30 augmentation, £15 for instructing pupil-teachers, £5 for teaching drawing to the school, £3 for teaching drawing to the pupil-teachers, and £5 for teaching Welsh or Gaelic—in all £58. It seems to me that the rate of assistance in that respect is altogether extravagant. Then there is no rule requiring that the best-qualified teachers who are entitled to the highest grants shall not be wasted on small schools or migratory populations. Whether it is possible to teach or not, the same expensive machinery is supplied.

It appears to me that all those circumstances are well worthy of reconsideration. I come now to another criticism that I have to offer, and that is, that the system being devised prior to experience of the subject, it does not meet the requirements of the existing state of things. The Commissioners report—

“That the whole scheme of Education in the schools was settled, the school books were prepared, and, above all, the teachers were trained, upon suppositions as to the age of the pupils and the opportunities which would be afforded for instructing them which the facts have not sustained.”

The meaning of that is, that we have assumed in framing this system a state of attendance which does not really exist. The facts connected with this subject are very remarkable, and I will just state them briefly to the House. On the average of schools, 70 per cent of the children in attendance are under ten years

of age, 80 per cent under eleven years, and 89 per cent under twelve years of age. The result of that is, that a great part of the children leave school before the age of eleven. Now, when we are estimating what we will do, what money is to be spent, what establishments we should support, and so on, we ought always to bear in mind that we are making arrangements for the education of the very poorest children, the children of parents who labour with their hands, and that of those children 70 per cent are under ten years of age, and 80 per cent under eleven. That is a fact that has been overlooked for the greater part in this controversy. Now, this state of things has been getting worse rather than better. The attendance is composed of younger children than it was ten years ago. In proof of that I would direct attention to the opinions expressed in Mr. Watkins's report for 1854. Mr. Watkins says :—

“The main and most striking facts are these :—There is an increase of above eleven per cent. in the very young children, *i.e.* those under ten years of age. There is a decrease of nine per cent in those of and above the age of twelve years. Little more than one-tenth of all the school children under my inspection in Yorkshire are twelve years of age, and not half of them have been for one year in the same school. I fear that we are getting so accustomed to this standard of school age, as almost to regard it as the normal state, and to be passive under it, if not almost satisfied with it. Yet, what is it in reality? Is it not a pretty fair assurance that all the long and imposing array of certified masters and mistresses, assistant teachers under your Lordships' minutes, pupil-teachers of both sexes and different grades numbering now above 6,000—all the instructive books, all the excellent maps, all the ingenious apparatus, if not absolutely wasted, are, indeed, far too costly and too cumbrous for the service in which they are engaged, and about as proportionate to its requirements as a park of artillery for the dispersion of a flock of sparrows?”

I do not mean to say that I go all the length of that gentleman about the artillery and the sparrows; but I do think the fact itself is one upon which the merits of this question mainly hinge. The feeling with which this fact has always been received, until the Commissioners reported, was that of horror and detestation, and with a disposition to struggle against it; but I think that is not the true or statesmanlike view of the subject. The children that remain at school above twelve years of age will be found, I believe, to be the children of persons not very poor; and for the rest what then as men of humanity and common sense ought we to do? We

have had prize schemes and compulsory education; but compulsory education is out of the question in this country. And prize schemes have ended in giving rewards to that class of persons whom we did not wish to attract at all. But is it not better to acquiesce “passively,” as Mr. Watkins says, in what we cannot amend? It is not in the power of the State to remedy this. If we were to give those children gratuitous education, what is that compared with asking parents to give up 5s. or 6s. a week, which their children might earn? Hear what the Commissioners say on the subject :—

“Independence is of more importance than education, and if the wages of the child's labour are necessary either to keep the parents from the poor-rates or to relieve the pressure of severe and bitter poverty, it is far better than it should go to work at the earliest age at which it can bear the physical exertion than that it should remain at school.”

Without intending at this moment to make any very specific application of this fact to the system of the Privy Council, I will venture to say that the duty which it imposes on us is not to struggle against early labour—not to interfere between a father who is oppressed by poverty and the labour of his children, but to make the education of the child during the time that he remains at school as perfect as we can, to do everything in our power to induce the children to come early to school, to promote their regular attendance, to spread education as wide as possible through the school, and to give as much of it as possible to the child. I think we ought to frame all our regulations with that object, and what we cannot effect in that way we ought to supplement by a really effective system of evening schools for children, who, whether from the fault or poverty of their parents, their migratory habits, or other causes, may not be able to attend the day schools, and thus to give them an opportunity of recovering the ground which they have lost. I hope the House will understand that my view is to entirely acquiesce in a state of things which we cannot avoid; neither giving grants so as to induce children to stay at school, nor yet to accelerate their leaving, but to give what has never yet been given—a real, efficient system of evening schools.

I have shown the House that we are in communication with some 38,331 of Her Majesty's subjects, all of whom in some way or other receive public money, which

becomes a sort of golden bond between them and against the Government. They think that they have acquired a continuity of interest to receive what they have already received, and any attempt to modify these public grants gives rise to heats and animosities, which are very deplorable. We have, for instance, to deal with the managers. The managers have subscribed their money, and given time and incurred trouble in the foundation of schools, in reliance mainly on a certain amount of Government support. They, therefore—and one cannot wonder at it—consider that it would be something like an injury if that support were made precarious or uncertain. They feel the pinch in seeing the possibility of these grants being withdrawn from them. The same thing may be said of the teachers, the pupil-teachers, and the persons connected with the training colleges. As to the latter, their claim extends to every part of the system, which they think should, in all its integrity, be kept up for ever, in order that they may exist; because every part of the system makes up some portion of the inducement for people to go to the training colleges. All these expectations are very unreasonable, but, at the same time, very natural: others have created them, I must bear the brunt of them; but I would beg to point out that such a state of things is exceedingly dangerous and almost intolerable.

The great danger is that the grant for education may become, instead of a grant for education, a grant to maintain the so-called vested interests of those engaged in education. In such a case, if the system were allowed to go on, those persons claiming vested interests would obtain so great a hold in the country that any Government, seeing that the system admitted of improvement, and being willing to make it, would be met with such a phalanx of opposition that they would be scarcely mad enough to make the attempt. We therefore felt it extremely necessary, to deal with the matter as soon as possible after receiving the Report of the Royal Commissioners, and to endeavour to deliver the country from the fearful increase of these pretensions. If Parliament does not set a limit to the evil, such a state of things will arise that the control of the educational system will pass out of the hands of the Privy Council and of the House of Commons into the hands of the persons working that educational system, and then no demand they choose to make on the

public purse would any Ministry dare to refuse. "*Imperat aut servit.*" When this army of stipendiaries is created, if on the one hand the Minister has a power over them, he gains an unconstitutional power; and if, on the other hand, these persons have more influence over him than he has over them, then there exists a dangerous organization for attacks on the Treasury. To show that I am not speaking from vain imaginations I will take the liberty of quoting from a statement made in the interest of the teachers. This is what it says—

"This Revised Code is a most convincing evidence to teachers how much lower and weaker their position in the country is than it ought to be; for in no other profession, we believe, would an attempt have been made to interfere so violently without the concert and advice of the members of the profession itself. It is clear that a vast amount of prudent, persevering, and united action on our part is required before this can be remedied."

One would think I was reading a manifesto of the Anti-Corn-Law League.

"If teachers remain quiescent now, they deserve all, and more than all, the indignities heaped upon them. If they do not now rise, they deserve to be for ever fallen. We earnestly trust that they will take the earliest opportunity of enlightening their Members of Parliament on the bearings of this question. Teachers in general, we believe, stand pretty much aloof from politics. Whether this be a correct course in the main, it will stand them in good stead at present, for they can the more easily approach men of all shades of political opinion. Their numbers, position, and influence, are such as to lend to their remonstrances a large amount of weight. A goodly proportion of the 9,000 certificated teachers are possessed of the elective franchise. It is not likely that the friends of the 3,000 students and 15,000 pupil teachers will stand tamely by and see the prospects for life of those in whom they are interested so materially damaged; and the justice of our cause will insure us the support of large numbers in all ranks of the community. In these circumstances and in the present state of political parties, our case would almost certainly be gained if we could make it unmistakably understood that our votes and influence are for the men who aid us in this conjuncture, and that those who cannot see that we are threatened with foul wrong and injustice by this Revised Code never can be representatives of ours."

I think, therefore, it is time to look into this matter, more especially when the language held is compared with the sort of claims set up. I find persons of high authority putting forward an argument to the effect that it was quite understood these teachers had a right to "repose and freedom from anxiety," and that they were not "to be worked like a horse on a gin-

wheel," or to be worn out in irksome and ill-paid drudgery. Then we find it observed that it is our duty to maintain them in the "social status" they now enjoy. I beg not to be misunderstood. I do not think it unnatural for masters to take this view, since they believe that they are going to be deprived of what they believe to be their rights; that their social status is to be lowered, and that they are to be injured; I repeat, I cannot blame them, under the circumstances, for using any influence, political or otherwise, to protect themselves. But such a system, which induces persons to entertain these expectations, is one which we should do well, with all fairness and justice, to get rid of. This result was not foreseen by the authors of the plan, and is not touched on by the Education Commissioners; but it has impressed itself on me within the last two or three months, and I should not be doing my duty if I did not enforce it on the House. I am not speaking with any disrespect of those persons. I do not blame them; for the people who put them in their present position are to be blamed, if there is any blame in the matter; but until this system of enormous vested interest is put an end to, I maintain that the vote will never be under the control of Parliament.

One object of this grant, no doubt, was to call forth voluntary subscriptions, and that has succeeded. A great deal of money has been raised; but I do not know whether that is a great subject for congratulation, for the money has been raised in a great measure from people, many of whom can ill afford to give it, the calls for subscriptions having fallen heavily on the clergy. I am very sorry for them, but this has been the necessary effect of the system, and I may say, as Cæsar exclaimed when he saw the faces of his fallen foes on the field of Pharsalia, "*Hoc voluerunt.*" But the evil is that, though large sums may be collected, yet in proportion the voluntary subscriptions increase, we find voluntary energy and zeal diminished. We have pressed hard on men's means, and almost made them in spite of themselves mercenary, inducing them to look not to what is best for education, but to the quantity of money to be got from the public grant. I have returns for the last year showing that for the training college at Cheltenham the Government paid 99 per cent, and on the average the amount paid by the Government for training colleges was nine-tenths,

90 per cent; and it is impossible to raise by voluntary efforts anything more considerable than the remainder for their support. There used to be a jealousy of the Privy Council grants as displacing the voluntary system, but that has quite vanished. It is also remarkable that those who have founded schools, and have made great personal sacrifices for the promotion of education, are very much opposed to anything like a test of results. One would have expected that they, at all events, would have been glad of some means by which the system could be verified—that if they had gone right they might be confirmed in that right, and if they had gone wrong they might be shown their error. But I am sorry to say that there is a general dislike of any test. And why? Simply because they are overburdened by what they pay, the voluntary spirit is waxing low, and they fear that examination would end in a withdrawal of aid which they can ill spare. I do not think that there are any means of resuscitating this spirit. If any new cause should raise it up, the Government will be the better pleased; but it is our duty to consider whether we cannot replace what we cannot resuscitate. There has been an extraordinary desire to get our grants, and we have to see whether we cannot turn that desire to the benefit of education by making the grant depend on conditions which insure good education.

In going over the present scheme of the Privy Council we have satisfied our minds that, while agreeing as we do with the Commissioners, it would not be right in any way to interfere with the basis of the denominational system. Admitting the right of every sect to a control over religious teaching, with all the fundamental conditions on which it rests and which spring from it, we think that this system of annual grants should be abolished and replaced by a uniform capitation grant. That is the turning point of the question, and we see no other means of getting rid of the evils which I have described. After a review of the evils of an inadequate quantum of teaching, a loose test of efficiency, far too expensive machinery, and a decline of the voluntary spirit, we came to the conclusion that the Commissioners were right in recommending that a system of annual grants with these defects should be swept away, and a simpler one substituted in its place. The next question was, how far we could go with the Commissioners in what

they proposed. The Commissioners propose a grant from the county rates upon examination, and a grant from the Central Government upon attendance. We were not able to see our way to propose a grant from the county rates. There are, as I explained last year, an evil and a good in local rates. The evil is throwing what is a national burden upon a very narrow area. The good is securing local management and an interest in keeping down expenditure. The proposition of the Commissioners keeps the evil and loses the good, because they propose that the grant should be paid from the county rates, but give the county gentlemen no authority over the expenditure. All they could do was to appoint a Committee of Education. The Committee was to appoint examiners. The examiners were to examine, and upon the result of the examination they were bound to pay. They had no discretion, and we believed that the county gentlemen were not likely to accept a purely ministerial office, throwing upon them the duty of imposing rates, and not giving them any control over the expenditure. We were, therefore, clearly of opinion that we could not adopt that view of the Commissioners. If, then, the capitation grant was to be wholly paid from a central office, then came the question as to the terms upon which it was to be paid. At first sight, the most natural thing would seem to be to give, in accordance with the opinion of the Commissioners, part of the capitation grant upon the Inspectors' Report and the attendance of children, and the other part upon examination. I admit that is an exceedingly obvious expedient, but I will tell the House why we do not do that. The object which we have in view is an increase, not of the quality, but of the quantum of education. We want, not better schools, but to make them work harder, and we seek, by an incentive and a stimulus, to get the greatest possible number out of every 100 children properly educated. Supposing that we gave half the grant upon the Report of the Inspector (which would be the same as giving it absolutely, because they would be sure to get that) and the other half upon examination, the inevitable result would be that the schools would not be stimulated in any way by examination. They would have half without any exertion. They would be able to get by examination a certain proportion of the other half, also without exertion. The head class would earn the

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capitation on examination, and it would be cheaper for schools to be contented to do that, and not to make the exertions which we want to stimulate them to make. We want to make them educate, not children in the first class, for that is done already, but those who now leave schools without proper education. We might have conciliated support, but we should have entirely defeated our object if we had adopted a system of granting capitation, half upon the Inspector's Report, and half upon examination. I shall endeavour to show the House that this is not a mere fancy, by reading an extract from the letter of a gentleman who writes to a newspaper in a transport of indignation at the conduct of the Privy Council, he says—

"It never could be intended that the results should be the withdrawal of all assistance. Why should not the grant be made to depend upon five or six conditions instead of three—upon the state of the school premises and apparatus, discipline, and order, general knowledge, including moral and religious improvement, as well as on proficiency in reading, writing, and arithmetic?"

Here we have the proposition of half-grants; but the gentleman is wrong if he thinks we ever made grants specifically for moral and religious instruction. The Privy Council have always held this language,—“Our business is to promote instruction. However desirable moral religious improvement may be, that is not the specific thing for which the grant is given.” Had it been reported to us by the Inspectors, as it has been by the Commissioners, that in many schools three-fourths of the children were not instructed, we should have withdrawn the grant from those schools altogether. I will now read the former part of the letter, which will show why the writer thought that the grant ought not to be put wholly on examination.

“At one of the annual inspections we asked the Inspector to examine the children as they would be examined according to the Revised Code, and the result was—Group 1 (infants), 20 presented themselves, and none could read, write, or cipher; group 2 (7 to 9 years of age), six could read, none write, and none cipher; group 3 (9 to 14 years of age), three could read, none write, and none cipher; group 4 (highest class), none could read, none could write, and three could cipher. (Laughter.) The manager calculated that he would receive £5. You would naturally suppose that the report of the Inspector was unfavourable; but it was not so. He considered the school in a very fair state of efficiency, and that the master had done his duty during the past year.”

That illustrates what I have said. We saw clearly what would be the effect of this half-and-half grant—that the school would

teach nothing more than now, and yet get on very comfortably. The principle of examination is a jealous and engrossing principle. It supersedes all others, because it includes all conditions necessary to success, and those conditions imply all which constitute excellence in a school. We decided that there should be only one grant, and that we should rest that on examination, being satisfied that there is really no other way by which to make examination efficient. Examination is an expensive and troublesome process, and we thought that if we saddled the public with that burden, the public were entitled to the full benefit which could be got out of it; that if the public paid for the process, the public had a right to get the utmost efficiency which that process could secure. Therefore, we determined to propose a grant entirely dependent on reading, writing, and ciphering. We propose that—

“The managers of schools may claim per scholar 1*d.* for every attendance after the first 100 at the morning or afternoon meetings, and after the first 12 at the evening meetings of their school. One third part of the sum thus claimable is forfeited if the scholar fails to satisfy the Inspector in reading, one-third if in writing, one-third if in arithmetic, respectively.”

That is the basis of our proposition. We do not make the grant upon reading, writing, and ciphering, without attendance, because we thought it quite possible that, if we did, children might be entered the day before the examination, in order to pass for the grant. The attendance is designed as a security that we are not entirely, though we often may partially, pay one school for the labours of another. Then we make rules for withholding the grant in certain cases—if the building is not properly lighted, drained, and ventilated; if the teacher is not duly certificated; if the registers are not kept with sufficient accuracy; if the girls are not taught plain needlework; or if there are any gross faults in the management of the school. The grant, we propose, shall be reduced not less than a tenth, or more than half, for faults of instruction or discipline on the part of the teacher, or failure of managers to remedy serious defects in the premises, or to provide proper books and apparatus. A reduction of £10 is to be made for every thirty scholars after the first fifty in average attendance who are without a proper teacher, meaning by a proper teacher a pupil teacher for every thirty, or an assistant teacher for every sixty children. The grant is also to be reduced by the

amount of its excess above the amount of the school fees and subscriptions, or the rate of 15*s.* per scholar in average attendance. Then we add, an inferior or 4th class certificated master, in order to extend the benefits of the system to country schools. We also recommended what will be found to be of great importance—that power should be given to managers of rural schools containing not more than one hundred children to employ a pupil teacher, recommended by the Inspectors, and approved by the department after a careful consideration of his examination papers. The pupil teacher will have received only £20 up to the time of entering on the engagement, but of course the salary he will require will depend on the state of the market. He will, however, be as cheap as any competent instructor, perfectly able to teach, at least the rudiments of education, and his presence will communicate to the school all the benefits of the Government grant. Moreover, he will have the strongest motive to conduct himself well, because his position will be only provisional, and he will look forward to becoming a certificated teacher in seven years. In our opinion that is a better measure than the one recommended by the Commissioners, which was to give relief to private adventure schools. It would have been harsh and abrupt to at once give up all kind of preference for the machinery we had ourselves created, with so much expense to the public. In schools thus admitted for the first time to the benefit of the grant, it will be possible for benevolent men and women, possessing leisure, but in narrow circumstances, by assisting the teacher to confer great pecuniary benefits on schools by preparing children to pass the examination. They have little money and much time, and the gift of time may be better even than money. That is the substance of our propositions.

I now come to that portion of the subject which I have no doubt will be more interesting to the House—I mean the modifications in our plan which it is our intention to propose. In the first place, let me remark that the investigations of the Commissioners did not extend to Scotland. Scotland has never known capitation grants. As you are aware, a Bill was passed last Session for abolishing the test taken by the Scotch schoolmasters, and many entreaties have been addressed to us not to insist upon extending this change into Scotland. It has generally been said by those who ap-

proached us that there is no objection to revise the code *per se*, but that Scotland is on the eve of being able to organize a system that will be more acceptable to the people. We have also been informed that the Lord Advocate is contemplating a measure on the subject. Scotland was engaged long before us in the battle of education, and had honourably distinguished herself in the cause long before it was brought home to the public mind of England. Scotland possesses a tried and well-established educational system, and has the use and wont of two hundred years to guide her on this question. There are many distinctions between the two countries in this matter, and we have thought it wise not to extend the code at present to Scotland. The next subject relates to infants. It has been represented to us, and I am not prepared to deny the justice of the representation, that we carried our principle too far when we proposed to examine infants under six years of age. I frankly admit that on that point we were in the wrong. Seeing the early age at which children leave school, it is highly desirable that every encouragement consistent with due economy should be given to attract infants to school. We should not have offered that encouragement if we had required from them an examination which probably few of them would be able to pass. I do not present our proposal on this point as a concession; it is, undoubtedly, the correction of an error. We propose that infants under six years of age shall be entitled to the capitation grant without examination, and to restrict Group I of the Code to children between six and seven years of age, who may fairly be called upon to answer on examination. We do not think that for infants there ought to be altogether so high a rate of payment as for the children who pass the examination. We propose that the school managers should receive one penny per head for the attendance of every infant under six years after the first two hundred, instead of one hundred days. I hope that arrangement will remove the objections which have been urged against that point of the scheme. Another subject which requires consideration is the training colleges. It was impossible to have a clearer case than we had against the training colleges. They were established as voluntary institutions; but it has come to pass that we now pay 90 per cent on the whole of them, and on one of them 99 per cent. We had, there-

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fore, good reason to ask from these colleges an increased subscription; and our proposal was that there should be a reduction in the lectures on history, geography, applied mathematics, and other subjects remote from the necessary business of the school, and that one-fifth of the Queen's scholars should be cut off. The ground on which we took up that position was, it seems to me, perfectly impregnable; but it has been said, doubtless with much truth, that these colleges are in a state of very great difficulty, and that the other changes we have made inflict indirectly serious damage upon them. The very existence of the panic and anger which prevails on this subject is in itself very hurtful to those establishments whose business it is to educate teachers. Then the managers of the colleges, to each of which a practising school is attached, will have, like all other managers, to meet the withdrawal of the annual grants, and the examination test; and they will also be injured by the abolition of the money value of the certificates, inasmuch as these diplomas have hitherto been held out—not very accurately, I think—as a sort of fellowship to those who passed through the training colleges, and have operated as an inducement to teachers to remain a second year at college. For those reasons, we believe that the whole subject of the training colleges requires re-consideration, as they seem to have got rid of the voluntary character almost entirely, and to be transformed into Government establishments. The position they occupy appears to us one which cannot remain as it is, and will require to be dealt with before long; but, in the mean time, we think it better that they should stand as they are, with a few exceptions—small matters of detail, necessary to carry out the other parts of the system. We are willing, therefore, to recall the propositions of doing away with a number of Queen's scholars and lecturers, not because we do not think that these and even much greater measures of retrenchment are required, if we regard the colleges as voluntary institutions merely assisted by Government, but because it cannot be denied that they have almost passed out of that category, and careful consideration is required to determine what shall be their ultimate position. The question stands over till a more convenient opportunity. It is our intention further to abolish the condition that children must attend sixteen days in the last month be-

fore the examination of the school. That rule excited a good deal of disapprobation and is not of the essence of the plan. Another amendment relates to the augmentation of teachers' salaries, which I will come to afterwards. Then there is the forfeiture incurred in regard to pupil-teachers. At present for every thirty children without a pupil-teacher, or every sixty without an assistant teacher, £10 is forfeited. We have, perhaps, strained that rule too hardly. If we were logical and consistent—which I admit, we are not—we should lay down no rules as to the sort of teachers that should be employed in schools. We should leave it to the managers to select such machinery as they thought proper; and if the children passed the examination, that would be enough for us. That remark does not, in my view, extend to certificated teachers, because we have the same right to require that there should be a certificated teacher, and to limit our patronage to him, as the public has to require that a man shall be regularly educated before he is allowed to practise as a lawyer or a physician; but, as to the subordinate machinery, for which the managers engage to pay, we may, I think, be accused of inconsistency if we require it to be of any particular kind. I am confirmed in that opinion by reflecting that there is a class of migratory schools in which the rule would operate with great hardship, since we then require payment for a machinery which will earn no grants, and thus run the risk of making the presence of those children a source of actual loss. We have, therefore, thought fit to amend this rule, and we propose to substitute forty for thirty, and eighty for sixty, which will give considerable relief. We cancel the requisition that pupil-teachers should be paid weekly. It is very desirable, but we are content to leave it to the considerate kindness of the managers.

We propose to give an honorary certificate to every teacher who shall remain in a training college for two years. It will not have any pecuniary value, but it will be a distinction, and may, we hope, operate in some degree to induce students to remain in the colleges for the longer period. The argument against us upon this point was very unreasonable. We are willing to pay at the public expense for the maintenance of a Queen's scholar at a training college for two years; but, because we offer him no further pecuniary advantage, it is said that we de-

prive the teacher of any inducement to remain at the college for more than a year. Surely, if we pay for the maintenance of the student for two years, and give him the means of education for that period, we have done our share, and have a right to expect that the managers of schools will, if they think such a prolonged training desirable, offer any further inducement which may be necessary, by giving the preference to persons who have undergone it, or paying them higher salaries. The last alteration is one which has created a good deal of discussion. It relates to the age at which children should leave the elementary, and enter the evening schools. At present a child, after eleven years of age, can only earn one grant in the day school, and cannot earn a grant in the evening school until it is thirteen, so that if it leaves the day school at twelve, there is one year during which it can earn no grant. We think, upon consideration, that that ought to be amended. We are not willing to extend the grant further in day schools, because children who remain there after twelve years of age are mostly children for whom the schools were not intended; but we think that we may fairly reduce the age at which children may enter the evening schools, from thirteen to twelve years. A child who attends an evening school may be earning wages for its parents, and may therefore belong to the class whom we desire to benefit; but a child who remains at a day school after twelve years of age, is usually the child of persons who can afford to dispense with aid. These are the amendments which we propose. They will considerably increase the receipts of schools under the grant. As far as infants go those receipts will have the advantage of being certain; they will depend upon no examination, and infants will in future be to the managers as well as to their parents, "little treasures."

I now come to a few of the objections which have been made to this scheme. The first is what is called the religious objection. It is objected to us, and that from a misunderstanding for which we may be in some degree responsible, that we have altered the religious basis of the schools. I do not think that that is much insisted upon, and, therefore, I will not labour the point. The misunderstanding, I take it, arose very much from this article in the Revised Code—

"The Inspectors do not interfere with the religious instruction, discipline, or management of

schools, but are employed to verify the fulfilment of the conditions on which grants are made, to collect information, and to report the results to the Committee of Council."

That is a very old article of the Privy Council regulations, and its meaning is this:—In the case of schools connected with all denominations, except the Church of England, the Inspectors do not in any way interfere with religious instruction; but in case of Church of England schools, the Inspectors are, in virtue of the Order in Council of 1840, a sort of joint servants of the Privy Council and the Archbishops, and in their capacity of servants of the Archbishops, they do examine and report upon the religious instruction given in those schools. We do not interfere with that Report, and if the school managers were aggrieved by it, their appeal would be, not to us, but to the Archbishop. For if the Report on religious matters is adverse, we have no alternative but to withdraw the grant altogether. That was the same in the old as it is in the new Code; no change whatever has been made in regard to it.

Another objection which is made to our treatment of this matter is, that we are for the first time drawing a sharp line between secular and religious instruction. That, I think, is a mistake. The Privy Council assists all religious denominations, from the Roman Catholics, who may be considered one pole of the religious world, to the Jews who, perhaps, may be considered the other, and they are of course bound to the strictest impartiality among all sects. They represent the secular element in education, and they cannot—of course, it would not be creditable to any Government to at the same time inspect the teaching of a great number of different religious creeds and enter into the questions connected with them. They stand impartially among the sects, inspecting the secular education, and leaving to each denomination the care of its religious instruction; in the case of the Church of England giving to the Archbishops the benefit of their machinery in carrying out their inspection. The sharp line is drawn already, because, although in the case of Church of England schools the same persons inspect the religious and secular instruction, they do it, as I have already explained, in different capacities, acting in one instance as the servants of the Privy Council, and in the other as the servants of the Archbishops. Then, the National Society say

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in their memorial—and like everything which comes from that society the objection is entitled to the utmost attention—that the new system—

"Will lead managers to think that the financial condition of schools will be improved if less time be given to religious instruction and more to the three selected secular subjects—reading, writing, and arithmetic."

Now, I cannot myself concur, nor do I think that the House will concur, in that objection. If managers do neglect religious teaching in order to make money, they will find themselves mistaken, because they must still satisfy the Inspector as to their religious instruction, and if they do not do that, they will lose their grants altogether. In the next place, I think that we ought not to have this sharp opposition between reading, writing, and ciphering, and religions. They do not exhaust the whole range of education. There is a number of subjects between them—geography, history, and other matters from which the extra time needed for reading, writing, and arithmetic, if any is required, may be cut off, without trespassing upon religion. More than this I will say, that I think there is a good deal of what is called religious instruction which might well give way to reading, writing, and arithmetic; that is the mere burdening of the memory with the names of kings, dates, and the geographical peculiarities of remote countries which, although necessary to the full and critical understanding of the Sacred writings, cannot be required for the religion of the poor. And further I would observe, with all respect, that it is a narrow view of the subject to assume any opposition between religion and the cultivation of the faculties by reading, writing, and arithmetic. I can readily imagine that time taken, even from the inculcation of religion, to be spent upon reading, writing, and ciphering, that is upon giving the child the means of reading his Bible in after years, and of communicating with people who may do him good and give him good advice, and strengthening his mind with arithmetic, the logic of the poor, might be profitably spent even for the purpose of religious training itself. A man who is to be really religious, although he may be poor, must have his mind in some degree cultivated and enlarged, and if we grudge that cultivation and enlargement, and spend the time required for it in inculcating religion, it is to be feared that we may miss the very object which we wish to obtain.

We ought to cast our bread upon the waters in the hope that we shall receive it back after many days. I will conclude this part of the subject by reading the opinion which has been expressed by the Diocesan Committee of Exeter, which, apart from its authority, sums up the whole case very well. That Committee says—

"But the greatest objection which has been raised still remains to be considered. It is strongly urged that the limitation of aid solely to the result of an examination in these three subjects must tend inevitably to secularize education and displace religious teaching from the position which it holds and ought to hold in our schools. The Committee say at once that if they thought such to be the object or effect of the Revised Code it should have their strongest opposition and condemnation; but they find that every guarantee which the Church possessed in this respect under the old code exists under the new. The compact entered into in 1840 is still in force; the provisions of the trust deeds are the same; the aided school must be either a school in connection with some religious denomination, or a school in which, besides secular instruction, the Scriptures are read daily from the authorized version; the Inspectors are to be appointed and removed under the same conditions; they are still, as before, in Church schools, directed to 'inquire with special care how far the doctrines and principles of the Church are instilled into the minds of the children;' and also 'to report upon the daily practice of the school with reference to divine worship;' 'whether daily instruction is given in the Bible, whether the Catechism and Liturgy are explained, &c.;' and it cannot be too often repeated that the amount of aid does not depend solely, as seems to be imagined, on the children's proficiency in reading, writing, and arithmetic, but is liable to special reduction, on the Inspector's report, for faults of 'instruction,' a term officially declared to include 'deficiency of religious knowledge.' They will add, further, that the religious teaching is still under the entire control of the clergy, an appeal to the Bishop in case of dispute being final; and, lastly, they must say that, even assuming that an additional responsibility is incurred, the Church should not shrink from accepting it, because in their judgment no graver imputation could be laid on her by her bitterest opponents than that she is reluctant or incompetent to undertake, without the interposition of the State, the charge especially committed to her care,—namely, the training of her little ones in the nurture and admonition of the Lord."

After that passage, I feel it unnecessary to say any more on the subject of religion, except that the alteration in our Minute really does not make any change in its sense, but is intended to remove any doubt that might be felt by well-meaning persons on the subject. We require that no school shall be examined till it has been reported on by an Inspector, who is not to make his examination till he is satisfied that there is nothing in its condition which requires the grant to be withheld; and we also annex a

paragraph in which we say that "the power of an Inspector to reduce grants for faults of instruction extends to faults of religious as well as of secular instruction in Church of England Schools."

Thus we maintain the old penalty of withholding the grant altogether if the religious instruction is bad, and add to it a new one lighter, and therefore more likely to be effective of a reduction of not less than one-tenth nor more than one-half for cases of minor delinquency.

It is said, and I think a good deal of the opposition we have to encounter may be attributed to the statement, that there is a loss impending over schools. This is the way the argument is put:—Gentlemen take a number of schools, and put down what they think they will earn under the Revised Code, computing their earnings rather in a spirit of fear and apprehension, and, comparing these with their present revenues, they assume that the difference will be the measure of deficiency. I have shown that allowances to a great many schools ought to be reduced, because they are receiving too much. It has also been urged that, as the Commissioners think three-fifths of the children ought to earn the grant, they admit by implication that two-fifths would not earn it; and a calculation is made of what the grant would be prior to the reduction, and from this two-fifths are then deducted. But that way of reasoning is erroneous, because the children who the Commissioners think would not earn two-fifths are either children who attend less than fifty days, and therefore earn nothing, or who attend between fifty and a hundred days, and earn comparatively little, sums varying from 1*d.* to 8*s.* 4*d.* at a penny for each at tendance, so that, instead of deducting two-fifths from the total sum, the reduction upon a large amount would be so small as to be hardly appreciable. Of course, it is impossible for me to calculate what schools would earn. I can only state certain data, from which persons interested in the subject can make calculations for themselves. My belief is, that when this Minute comes into operation, which will not be till after the 31st of March, 1863, as the first examinations cannot take place till then, there will be an average attendance of 1,000,000 children, in the schools. The *maximum* that could be earned would be 15*s.* a-head, or £750,000. What we wish the children should earn is 10*s.* a-head, and this the

Commissioners say ought to be the amount. We have adopted their opinion, which would make the total earnings we wish them to make £500,000. The question which every gentleman will have to answer for himself is, how much of that will be actually earned? A great ground of apprehension is that, children will not earn the grants, because they will not attend. But 42 per cent of the children earn our capitation grants by attending on 176 out of 220 days. The difference between that proportion and the 25 per cent whom the Commissioners declare to be already well instructed ought surely to be earned with moderate diligence. But the thing does not stop there. The children who attend upwards of a hundred days are three-fifths of the school, or 63 per cent, and of them the Commissioners report—

“Even under the present conditions of school age and attendance, it would be possible for at least three-fifths on the books of the schools, the 63·7 per cent who attend 100 days and upwards, to learn to read and write without conscious difficulty, and to perform such arithmetical operations as occur in the ordinary business of life. This knowledge they might receive while under the influence of wholesome moral and religious discipline, and they might add to it an acquaintance with the leading principles of religion, and the rules of conduct which flow from them,”

If that view be correct, there must be a larger margin—namely, the difference between 25 per cent and 63 per cent. The utmost children could even if they attended twice a day for 220 days, or 440 times, would be £1 8s. 4d. a head; the utmost children could earn who attended 176 days would be, as I compute, £1 1s.; the utmost an infant could earn after attending the first 200 times, would be £1; and, of course, the amount per child will vary from 1d. to £1 8s. 4d. It will be observed that the loss will fall on those who pay the least to the school, as it is reasonable to suppose that the children rejected will be those who have attended the shortest time. Thus, in an extreme case, on a child who has attended 101 times the loss would be 1d.; while, if he had attended the whole course, the loss would be £1 8s. 4d. 62 per cent of the children attend the same school more than one year. It must be remembered that all these calculations are based on the present state of attendance in schools, to which, by this system, a great stimulus will be given. Under the present rules, unless a child is likely to attend, or after he has attended 176 days, by which he earns 5s., there is no pecuniary stimulus

on the manager to secure his attendance. But by the new system, a uniform pressure will be exerted on the manager, whose interest it will be to co-operate with the public in inducing the children to attend, and thus to extend the benefits of the school. That such a stimulus will not be without effect, is shown by the evidence of Mr. Scott, one of the most intelligent witnesses examined before the Commissioners, who stated that after the present capitation grant was introduced, the managers made it their business to go round to parents, canvassing them to get the children to attend. This is what must happen now, and what we wish should happen under the new system. We also hope for somewhat cheaper management, from the greater freedom of contract we now establish, by leaving managers to make their own bargains with their own servants. Cases are urged upon us which, no doubt, we should very much wish to meet. One point which is dwelt on very strongly is, that although a school does little in the way of teaching, it may confer great moral and religious benefit. It is quite true that schools of that class are very fitting objects of missionary exertion; I do not consider them fit recipients of grants from the Privy Council. We do not act on that principle. Sunday schools confer large benefits on the people; but we have never relieved Sunday schools. On the contrary, last year, mainly on this very ground, a Committee of this House decided that no further relief should be given to ragged schools. It has been said that this Minute will come into operation very abruptly. But from the date of the first notice given in reference to it, the school first examined will have been allowed a year and eight months, and the school which comes last under its provisions will have had two years and eight months. On the whole, ample time will have been afforded, and in the interval which has yet to elapse, the attendances will, doubtless, be greatly increased.

Then it is said that it will be very difficult for schools, to earn the grant where children are migratory, and will not stay to be taught. I admit that that will be so; but the question is broadly raised whether that is a case in which our grants ought to apply. My opinion is that Government is not bound to pay for machinery to instruct children whose parents are not willing to remain and profit by the instruction. I think the working classes, for whose benefit these schools are intended, ought to meet

us half-way. For every child sent to school a charge of about 30s. is incurred, which is met in this way:—The father pays 7s.; charitable people who have set the school on foot pay 11s. 6d.; and the Government pays 11s. 6d. Every parent who sends a child to school is a recipient of 23s., made up of private charity and public relief. There are cases of individual hardship inseparable from the operation of every general rule. We should be glad, if possible, to aid schools because they are efficient, and if we could do so without impairing the efficiency of public education, we should also be glad to relieve schools which are indigent; but we cannot do both. Will you have two rules and measures—two standards of education? If you do, the whole time of the department will be frittered away in determining under which standard the school is to be tried. Will you have only one standard; and if so, on what principle is it to be erected? Will you have it so loose and vague as to embrace those schools where the population is migratory, where little attendance is given, and where little is learnt? If you do that, you will infallibly make the standard so loose that you will deprive yourselves of the power of stimulating education in schools which are well attended and well cared for. You will sacrifice the great mass of educational effort in order to embrace a few exceptional cases. All you can do is to limit your requirements to what you think necessary, and not on any account to lower your standard to schools which cannot rise up to it. The true principle is not to lower your standard to meet cases which are at present below it, but to do what you can to induce them to amend themselves, and if they will not amend themselves, to leave them to the unaided support of voluntary efforts, but not to degrade the whole system for their sake. I think there is no reason, therefore, for this apprehension with regard to loss. We know that there will be a loss where the teaching is inefficient. That is our principle, that where the teaching is inefficient the schools should lose. I cannot promise the House that this system will be an economical one, and I cannot promise that it will be an efficient one, but I can promise that it shall be either one or the other. If it is not cheap it shall be efficient; if it is not efficient it shall be cheap. The present is neither one nor the other. If the schools do not give instruction the public money will not be demanded, but if instruction is

given the public money will be demanded—I cannot say to what amount, but the public will get value for its money. It is not in my power to say how far the people will avail themselves of the system. If it were a Government system I could force it on them, but as it is a voluntary system I cannot, and whether they will accept it or not rests in their own breasts; but the Government has placed itself in a proper position when it is able to say, “We deal with schools on this principle: if they are effective in their teaching, they shall receive public aid to the amount which the Commissioners have declared to be sufficient; but if they are not effective, they shall not receive it.” In this way we make a double use of our money; it not only enables the schools to afford instruction, but it encourages them to augment the quantity of that education—it is a spur to improvement—it is not a mere subsidy, but a motive of action—and I have the greatest hopes of the improved prospects of education if this principle is sanctioned.

I come now to the vested interests; and here I must remark that there is hardly a Gentleman who has made any proposition on this subject who has not proposed some infraction, in one way or the other, on the present system. It has always been assumed that the system was an experiment, and it is not too much to say that the present managers of schools should be taken to know this. Provided we deal with them on the footing of equity and justice, and with the single desire to advance the cause of education they can have no reason to complain. The question is mainly argued with regard to the augmentation provided for certificated teachers, and not only so, but it is almost entirely restricted to those augmentations. The probable cause is because the stake is large, and because the number of persons interested in it is large—or else why it should be more insisted on than the grant for teaching drawing, Welsh, or Gaelic I cannot say. I may say in passing that I heard of a rather tragical case the other day with regard to a school in Wales. A teacher was complaining very bitterly that his school would get no grant. He was the master of a school in Wales, and his case was like Mortimer’s—

“This is the deadly spite that angers me,

My wife can speak no English, I no Welsh.”

He could speak no word of Welsh, and his scholars not a word of English, and he thought it extraordinarily hard that he

should get no share of the grant in aid. But before I go into the subject I should like to point out to the House the position which the certificated teachers now occupy. I will not say anything of myself, but I will read a description of them given in the Commissioners' report—

"Boys who would otherwise go to work at mechanical trades at 12 or 13 years of age, are carefully educated at the public expense from 13 to 20 or 21, and they are then placed in a position where they are sure of immediately earning on an average about £100 a year by five days' work in the week, the days lasting only seven and a half hours, and they usually have six or seven weeks' vacation in the course of the year."

The extent to which the education of the country has been increased of late years, and the large amount of capital which has been brought into the work has had the effect of greatly increasing the demand for teachers, and as they cannot be manufactured at once, like a pair of shoes or any other article, those who were in the business, or who went into it early, had the full advantage of the rise in the market. Consequently, for some time past they have been in the receipt of large incomes, and, considering what they are, and the circumstances of their education, they have enjoyed a great amount of prosperity. Some people might be disposed to think that the schoolmasters ought, therefore, to have been very contented; but I will take the liberty of reading a few lines from the summary of evidence appended to the report of Mr. Wilkinson, one of the Assistant Commissioners, which gives a very different account of them. He reports on the metropolitan districts, where the average of salaries of schoolmasters is £122 per annum—

"Masters of National Schools are generally dissatisfied; their salary is far beneath that which an equal amount of skill and labour would command in any other profession; their position in society is lower than it ought to be, which is the fault of the clergy, who either spoil the work by foolish interfering, or, if it succeeds, take all the credit; therefore, the cleverest men leave their schools as soon as they find more profitable employment. British schoolmasters share the grievance of insufficient salary, but are free from 'priestly tyranny.' They are dissatisfied with their position, principally because they fail in the good manners which would facilitate their rising to a better. Their dissatisfaction arises from what they deem insufficient remuneration. They are dissatisfied because their salary is quite inadequate to the position they are expected and qualified to maintain. . . . The certificate money being paid through the treasurer or secretary of the school comes to be considered as part of the master's salary. . . . The best teachers

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leave their schools as fast as they can for some more remunerative profession. As to being dissatisfied, they consider their position anomalous. The Committee of Council refuses all correspondence with them. . . . They are treated, in all matters of professional business, as persons who are not to be consulted or treated with at all. Even the certificate and teaching money is paid to them indirectly. Again there is no outlet in the profession to rise. The missionary spirit and Christian devotion manifested by many teachers who entered upon the office before the present system of pupil-teachers commenced, is fast passing away. The office is becoming one of mere business consideration. This being true, pecuniary advantage and prospective promotion are sought for. . . . especially by the most energetic and intelligent, who, finding no upward position in the profession, leave it. Again, the large influx of teachers trained at the public expense gives the constant prospect of a glut in the supply, reducing the certain tenure of his position in a school, tending to lower the present rate of salaries, and making him subject, through these means, to submit to humiliation at the caprice of local committees. . . . What follows? The retirement from the profession altogether of the most talented, while those who may be wanting in energy and force of character alone will be content to hold the position. They have nothing to look forward to but the unbroken level of a life of unremunerating, unacknowledged, and unappreciated labour—the office spoken of as one of the highest in the land in importance, mentally, morally, and religiously, and yet the officer ignored, slighted, and every prospect of his being put aside or lost to the office for which so much has been expended in time, devotion, and money. This tendency seems at present to be on the increase."

The House is aware that these schoolmasters are very dissatisfied with the Revised Code, and especially with myself, and I have therefore read the description to show that they are persons who are not easily pleased, and that if they were not satisfied with the state of things which existed before, it is not very strange that they should be discontented with the Revised Code. As to the original position of these masters—still refraining from any language of my own—I will read another passage from the report. Mr. Robinson, the principal of the Training College at York, says—

"They naturally think more of what education has made them than of what it first found them. They easily lose sight of the fact that they have risen from a very humble social position, and they crave for that *status* which education seems generally to secure. I think, too, that in some cases they are too apt to forget that they owe the culture they have to the public provision made for them."

I hope, therefore, that the House will not allow its feelings to be too much worked upon by the complaints which have been made by the masters. Justice, of

course, ought to be done to them and to their claims; but so long as they are treated with justice and the improvement of education is kept solely in view, they have no cause to complain. In our Minute it is laid down that "teachers are examined for certificates as a means of distributing the Parliamentary grant to schools," and "that the *minimum* salary, exclusive of a house, must be in ratio to the grant of one to two;" and in our broadsheet it is said that we make grants in aid of the salary of teachers. That is the document upon which their title mainly rests, and the claim they base upon it is that, so long as they perform the conditions, they are entitled to the payment from Government just in the same way as an officer of the army or navy is entitled to his pay. This claim is subject to this remark,—that the teachers are not quite right in saying that this grant depends on their fulfilment of its conditions. Our Minutes show that, notwithstanding the fulfilment of all these conditions on the part of the teacher, the grant may be lost by some fault on the part of the managers, and without any default of the teacher. If the managers neglect to give a particular notice to the Privy Council of the teacher's appointment, or to make the necessary repairs to the building, or refuse to receive the visit of the Inspectors, or do anything that brings down a censure, the grant for the teacher is withheld, though the teacher has had nothing to do with the cause; so that the grant depends on the fulfilment of the managers' conditions as well as on the fulfilment of those of the teacher. This shows that the claim of property put forward by the teachers cannot be substantiated, because that is not my property which can be taken from me by the default or wilful act of another. I am not now arguing as to the nature of the conditions on which the grants are made for teachers, but only as to the extravagant nature of their claim. I am of opinion that this claim—as they put it—for a certain sum of money is one which cannot be supported. I will not stop to argue that: this being a tentative and preliminary system, and always treated as an experiment, and liable to be altered from time to time, the teachers can have no vested interest arising from their relation to it. I shall not put it on that ground, though in that respect they stand on the same footing as the many other persons who hold situations under similar circumstances. But let us consider

it in this way:—Suppose we sat here to consider what compensation we ought to award to the teachers; I contend there is no vested interest on which they could found a claim. A vested interest must be something clearly defined and susceptible of calculation and compensation. That their position is one which entitles them to be fairly considered in any arrangements which we may make, is what I freely admit; but they have put it that their present rate of payment has arisen from the augmentation grants allowed by the Government. That I deny, because I think there is nothing more certain than that wages do not depend on Government bounties, but on the great law of demand and supply. Their high rate of pay is caused by the demand which has existed for their services. Young men, immediately after passing the training colleges, instead of spending several years as assistants, have been placed over large schools, because no more qualified persons could be got to take their place. The demand has been much greater than the supply, and they have had the benefit of it. It is not unnatural that, the high rate of remuneration received by them being contemporaneous with the payment of augmentation grants, they should have mistakenly supposed the latter to be the cause of the former; but it is against first principles to suppose that such could be the case. The average payment to certificated masters is £94; to uncertificated £62; and to those who are only inspected £45. And in the case of schoolmistresses, the three corresponding scales are £62, £34, and £28. Now, £94 exceeds £62 by more than the largest augmentation that can be granted, showing that the excess does not arise from the augmentation. Government pays to the managers, to be paid to the teacher, a certain portion of his salary, requiring that he shall have certain qualifications. Schoolmasters having the required qualifications can obtain that portion of salary; but, if the supply increases in greater proportion than the demand, the whole amount of remuneration will fall. In these matters we must look, not to the intention of the Government, for that cannot control economical laws, but to all the incidents and concomitants of the contract. That is what all persons who make a contract do. The remuneration to the masters has increased, because the supply has not kept pace with the demand; but let the reverse become the case, and you will find that there will be a reduction in their sala-

ries. It seems to me that the mere effect of the grant, looked at as a whole, is that the Government aids the managers to pay the master, and that the withdrawal of the grant would be a loss to the managers, and not to the master. The Commissioners say—

“As to the specific complaint that the augmentation grant is paid to them indirectly, and is thus liable to be confounded with salary, our answer is, that it is paid in that manner because it is salary, and in order that it may not be supposed to be anything else.”

If it is salary, it must vary according to the laws that regulate salary. I will put a case. Suppose I had a friend who wanted a governess for his daughters, but who of himself could only afford to pay an inferior one. Suppose I gave him £30 a year to enable him to pay one of higher qualifications, but that after some years I ceased to allow him that sum. I contend that it is my friend who loses this money, and not the governess, for she transfers her services elsewhere. Looking at the matter in general, that is the case with respect to the teacher. The loss of the withdrawal falls not on him, but on the managers. One manager may make a liberal bargain, and another may drive a hard one; but the case ought not to be looked at on isolated facts. It ought to be viewed according to the general laws of political economy. But, though the teachers have no vested interest in this augmentation, they will receive from this Code a very considerable indemnification. It is always argued by the opponents of the Revised Code as if this money is withdrawn never to return; but it is only withdrawn in one shape, in the hope that it will be carried over to the credit of the managers in another shape, to increase the funds at their disposal. I think that making all grants dependent on the quantity of education imparted will raise the value of the schoolmaster. He will be the machinery by which the school is to earn the assistance of the Government, and we shall be keeping the market open for him, by continuing his monopoly. It is quite excusable that a person who feels immediately affected by a change of plan should put the worst construction on it. We can argue this question at our ease, and without those considerations which must influence a man who has a large family dependent upon his income; but still I must say that, giving the matter the best consideration of which I am capable, I do not see any vested interest in these

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teachers, and we must consider the question on general grounds. The master makes his bargain with the manager of a school to receive a certain sum of money, part of which is supplied by the Government. If the Government withdraw its contribution, that, in the abstract, is no loss to the schoolmaster; the loss is one to the manager, and if compensation is claimed it should be by the manager, not the teacher. It may be said, “Why raise this question? Why embarrass yourself with this difficulty? Pay grants on the present system to those who now receive them until the masters now in office are worked out.” I need not say how tempting such a proposition must be to me. I wish that, consistently with my public duty, I could adopt it; but I cannot, because my view being that this loss is one falling on the manager, and not on the teacher, I must give compensation to the former and withhold it from the latter, unless I mean to give a double compensation for a single loss. A proposition for compensation to both would hardly be entertained by this House. I am assuming now that I have carried the House so far with me as that they think there should be an examination. I must assume that I have done that; for, if not, it is in vain for me to talk of this scheme. If this grant to the teacher could be secured without examination it would put the school to sleep; just as I showed that the plan of half capitation on attendance and half on examination would do. Next, if we were to preserve the grant to existing teachers and withhold it from new ones, look at the injustice we should do to the latter. A man on whose employment there was no bounty would have to compete with a man who carried with him to his employers one of, say, £20 a year. You would be closing the schools against young masters, and thrusting them from the profession; you would be sacrificing the profession itself to the advantages of its existing members. I have, I assure the House, taken much pains with the subject, but I cannot bring my mind to consent to this sacrifice. But all we can do we will; and what we intend to do is this. The claim of the schoolmaster is of two kinds; he claims a right to a certain sum, according to his certificate, and also to the condition annexed that the managers of the school shall give him twice the amount of that sum. In exchange for that sum we give him a lien or first charge on the money earned by

the examination. The condition that the teacher shall receive twice the augmentation grant from the manager we will enforce in the only way possible by withdrawing our grants if he is not satisfied. For the interest of the teacher himself we allow him to make what bargain he pleases with the managers. The words of the proposed Amendment are—

“The grant is withheld if the principal teacher be not duly certificated and duly paid. Teachers certificated before the 31st March, 1864, and who have not otherwise agreed with their managers, are duly paid if they receive not less than three times the grant allowable upon their certificates in Art. 64-5 of the Code of 1860, and they have a first charge to the extent of this grant, being one third of such due payment upon the money received by the managers under Art. 42 of the Revised Code.”

That is what we can do without sacrificing the scheme to the teachers. I hope, at any rate, I have shown that we have not been unwilling to consider their case ; and I hope the effect will be something like what we see of the mode in which custom can regulate wages. I hope the regulations of the Privy Council may have the effect of fixing a *minimum*, below which the managers will not wish to go. This, we thought, might be done to meet the claims of the schoolmasters. Thus far I think we can go without injuring the scheme. If it is a bad one, it is not worth carrying out at all ; if it is a good one, it ought not to be shipwrecked on such an obstacle as this. An efficient system of examination and a continuance of the present system of augmentation cannot exist.

Now, it is said, that by this plan we are degrading education. On this point I will touch briefly. The truth is, what we fix is a *minimum* of education, not a *maximum*. We propose to give no grant for the attendance of children at school unless they can read, write, and cipher ; but we do not say they shall learn no more. We do not object to any amount of learning ; the only question is, how much of that knowledge we ought to pay for. Consider that the age at which the poor man's child leaves school is generally about eleven ; if we ask that during his time of schooling he shall be taught to read, write, and cipher, is not that enough ? In so doing we think that, so far from degrading education, we, by requiring more labour and industry in the teachers of the schools, are really raising it. It must never be forgotten that those for whom this system is

designed are the children of persons who are not able to pay for the teaching. We do not profess to give these children an education that will raise them above their station and business in life ; that is not our object, but to give them an education that may fit them for that business. We are bound to take a clear and definite view of the position of the class that is to receive instruction ; and, having obtained that view, we are bound to make up our minds as to how much instruction that class requires, and is capable of receiving, and we are then bound to have evidence that it has received such instruction.

With regard to pupil-teachers and their attendance in the evening schools, it has been said we are sacrificing the interest of those teachers to the maintenance of the schools. The pupil-teacher has to pass an examination ; and if he does not, the blame will fall on the teacher, who must therefore find means of giving instruction to his pupil even though it is in the time of the evening school. To these schools themselves we give one penny for every attendance after the first twelve children. Thus for the teacher here is a new field of activity, and one in which he can earn a better remuneration than from the exclusive training of pupil-teachers. The masters have often complained that they are not allowed to employ their evenings profitably by acting as secretaries of various societies, and in other ways. Now we propose to allow them to teach the evening school as an integral part of the day school, and in this they will find an indemnity. The pupil-teacher system is good ; but it is too much to ask us to sacrifice to a small punctilio concerning it so vast a national benefit as the establishment as an integral part of our system and the diffusion over the country of evening schools, of which there are now only 317 to nearly 7000 day schools under the Committee of Education.

There is another disputed point, the grouping of children by age for examination. The real objection is pecuniary ; that is, that a child having passed in some group, the lowest for instance, should not be paid for because it is too old. But the objection does not take that naked form. It is said that such a way of teaching or organizing a school is unknown and absurd. The answer is, that we do not propose to teach or organize by age, but only to examine, and that the examination is not of classes, but of individuals called up one by one. It has already been frequently done.

Then what is the alternative? Shall we take the ordinary arrangement of the school? If we do, we shall clearly disorganize it, for as soon as it is discovered that the higher a child is placed, the less sure is its capitation, the children will subside into the lower classes, and the school will become like a pyramid, very broad at the bottom and very narrow at the top. The reason why we have taken this principle of grouping by age and wish to adhere to it, may be illustrated by supposing capitation to be claimed on a boy of eleven who has passed in the infant class. That boy is about to leave school; he can read words of one syllable, can make letters on a board, and count twenty. Is that result worth paying for? It will not abide with him six months. The age at which the poorer class of children leave school makes it necessary to stimulate their attendance at an earlier period, that they may actually receive the education intended for them. The child of a poor man can rarely retrieve the time lost if his education during the few years he has attended school is neglected. It, therefore, becomes of paramount importance that we should do everything we can to make it the interest of those who have the power to bring the children into school as early as possible. What we mean is that the children should be taught, not a smattering only, but that they should leave school so grounded in elementary knowledge that it may be of use to them during the whole of their life.

Well, then, there is the question of uncertainty in the attendances. No doubt this uncertainty must exist from sickness, weather, bad roads, or other causes. But we cannot avoid this objection, nor can we free these examinations from it any more than we can free our own proceedings from it. Look at an important division in this House, upon which, perhaps, may depend the fate of a Ministry, the question of peace or war, or the policy of the country for years to come. Yet see what trivial causes may affect the result of this division. A slow train, the breaking down of a cab, a gale of wind in the Irish Channel, an attack of influenza, may prevent the attendance of Members. But meanwhile the debate goes on inexorably to its conclusion, and the mischief is done. "*Hæc est conditio venti*;" and while we act upon general rules we cannot avoid such contingencies. We are told that payment on examination does not pay for work done, that a stupid boy who is plucked may have cost more pains

than a clever one that passes. But who in this world is paid or has a right to claim to be paid on his failures? It is said, dull children will be neglected. I believe, on the contrary, that attention will be drawn to the capacity of every child in the school, and that many now neglected, because nothing can be made of them, will be brought forward with care, especially if good attendance give hope of fair reward. I never pretended that this scheme was not open to objection. On the contrary, I could state some myself. It is, in fact, a choice of objections; but there is no greater fallacy than to suppose that because certain objections may be urged to a plan, and because in some points that plan may be inexpedient and unsatisfactory, it may not be, after all, the wisest thing which can be done.

And now, having gone through these objections, the House will perhaps allow me to point out the advantages of the scheme which we propose. In the first place, unlike the reports of inspectors, it does not deal with classes, but with individuals; it does not deal out sweeping and ruinous penalties, but enforces small ones only. A particular child will be examined, and the grant, in his case, will depend upon this one issue. The officer, therefore, will not be deterred from doing what is right by a dread of the consequences, because he will not see the consequences until he comes to add up the results of his examination. I look upon this as a great advantage in the new system. We find by experience that impunity is often secured to crime by making the punishment too severe; and the same impunity may be secured to ignorance and inefficient teaching unless we take care to make the loss as small as we can by dealing not with classes, but with individual cases. Another advantage of the new system is, that it gives the managers almost unfettered freedom in regulating their schools as they please, except with regard to the employment of certificated and pupil teachers. Some of these gentlemen do not seem grateful for the privilege, but I believe that when once they have had experience of this freedom they will not regret it.

The principle which we now seek to enforce is a searching one. It exposes the faults of the system. The threat of enforcing it has elicited from school-managers confessions which I should have thought nothing but the rack would have extorted—confessions of bad attendance on the part of the children, of inefficient teaching,

and of all the evils which have been paraded for the last six months before the eyes of the public as reasons why we should shrink from applying the only effectual remedy—individual examination. The new Code will make the interest of the school in matters of attendance and instruction identical with the interest of the public, which is that the children shall attend as regularly as possible, and that they shall learn as much as possible. The interest of the school will be that the teaching shall be sufficiently good to satisfy the inspector, and that as many children shall be got together as shall satisfy the terms of the capitation grant, and that interest which is the public interest will pervade the schools. Then, look at the manner in which the work done will be tested, and look also at the opportunity which the parties concerned will have of appreciating each other's merits. The master, by means of the new system, will be able to appreciate his own labour. He will have the opportunity of judging how far his methods of teaching are successful, and whether the time he devotes to the work is sufficient for the purpose. To him it will be an ever recurring lesson and the best possible test. Then, the children will be kept in a state of emulation in learning, which is far from being the case at this moment. The managers, on the other hand, will have an opportunity of judging of the capacity of the master; he will be subjected to a crucial test; if he does well or ill, the results will show themselves accordingly; and he will be likely, therefore, always to do his utmost to keep up his credit. The Government, again, will have much the same hold over the managers, and the public money will be given, not to the persons they employ in the schools, or according merely to the number of children who attend, but it will be given according to the results which the teachers and the attendance of the pupils have combined to produce. Moreover, the new system will give very important assistance in the education of the children. Our public schools now spend some money every year in examinations, and so, in the present instance, these examinations will not merely operate as a test in making grants of public money, but will really increase the general efficiency of the school, and thus render important assistance to it on the part of the Government. Lastly, the new Code will for the first time place the education grant really and effectively under the Control of Parliament, and will

for the first time place it in a perfectly intelligible position. Henceforth it will not depend on complex regulations; it will be guided by principles which anybody may understand, and Parliament will be able to regulate at its pleasure—which has never been the case hitherto—the amount of money to be granted. Sir, I think I have shown that there are grave defects in the existing system of education, that it is of an experimental character, and is, in fact, unfitted to be the permanent educational system of annual grants. So, taking denominational education based on religion as the basis of our plan, we are about to substitute for the vague and indefinite test which now exists, a definite, clear, and precise test, so that the public may know exactly what consideration they get for their money. I have tried to show that it would be impossible for us to remain quiet under the imputations cast upon the system now administered—namely, that the bulk of the children who pass through the schools are inefficiently instructed. We have not started this difficulty; it has been forced upon us. We have endeavoured to discharge the duty which devolved upon us to the best of our ability, and I now humbly submit the whole subject to the consideration and to the judgment of the House.

MR. DISRAELI: Sir, after the ample exposition of the right hon. Gentleman I wish to recall the House to the proper relation in which the House stands to that statement, and to the course which I think we ought to pursue respecting it. This statement ought to have preceded the introduction of the Revised Code, and had it, according to the custom of Parliament, so preceded the introduction of the Code, I apprehend that the House would have pursued the course which it always and wisely takes when a Minister of the Crown makes an important statement upon the affairs of his Department;—it would have felt it inconvenient on that occasion immediately to discuss the merits of the proposition or to enter into judgment upon its scope and effect. It is obvious that, under any circumstances, a subject of this kind, involving principles so important and details so multifarious, requires, and it is only respectful to the Government that it should receive, ample consideration. I am therefore somewhat surprised that, remembering the peculiar circumstances under which the operation of the Revised Code was arrested in its pro-

gress, and the period being now so near at hand when it would otherwise have been in action, the right hon. Gentleman did not tell us when he intends to call upon the House for its opinion upon this project. The right hon. Gentleman will, of course, give us a sufficient period to consider the scheme; and I am quite sure that when the time for discussion arrives, the plan will receive the calm and dispassionate attention which such a subject eminently deserves. But the right hon. Gentleman may say that although, in general, when a statement of this kind is made by a Minister, an interval elapses before the opinion of the House is taken, yet the present case differs from the usual practice, because the House and the country have really been in possession of the project for a considerable period. Now, is there justness in the objection? In the first place, I think the House has always a right to expect from a Minister a personal explanation of any scheme which is laid before them. Whether it be in the form of a Bill or of a Minute, I think the House will agree that there are a variety of details which a Minister only can explain, and that there are arrangements which nothing but a personal exposition can make clear. But although I think that a sufficient reason why an interval should elapse before the House gives any opinion upon the scheme, and though I deprecate discussion at this moment, because I know that hasty observations and conclusions are always drawn out in these desultory debates, which the House afterwards regrets; still, in this instance, there is another consideration, which we cannot overlook, and which appears to me to settle the propriety of the course we ought to take. We have now before us not only the Revised Code, but a Revision of the Revised Code. We have, indeed, a new measure, abounding with details of a kind which requires the most careful scrutiny before we can arrive at any satisfactory conclusion upon them. I hope, therefore, that I am not misinterpreting the feeling of Gentlemen on both sides, when I conclude that there is a general wish that there should be no discussion—no formal discussion—to-night upon the exposition of the right hon. Gentleman, but that he or some Member of the Government will inform us on what night the opinion of the House will be taken upon the whole scheme. Of course, I assume that the right hon. Gentleman will

Mr. Disraeli

give us due time for consideration. I will not, therefore, trouble the House at length, and I shall be most careful not to give an opinion either on the Revised Code or on the present system of education. But there is one observation made by the right hon. Gentleman which I cannot allow to pass unnoticed, and that is, his assertion that the subject is not, after all, one of any magnitude, but is, in fact, what the right hon. Gentleman called a small subject. I think this observation from a person occupying the right hon. Gentleman's position, and connected as he is with this topic, ought not to pass unnoticed, and that hon. Members should not be misled by an assertion that the present subject is one of that character. It appears to me that this is not a small subject, but a great—a very great subject; and if I wanted any evidence to prove this I would refer to the speech of the right hon. Gentleman himself; because, while he began by telling us that this was no great matter, although it had agitated the country in no ordinary degree, he went on to describe a series of changes the effect of which would be to abrogate the present system of education. And, indeed, the right hon. Gentleman did not attempt to conceal his purpose, for, at the conclusion of his speech, he said that no alternative had been left to the Government but to sweep away the system altogether. Therefore, what we have to consider is, whether the system of education which has been established for so many years shall be superseded, and a new system established in its place. I do not want now to enter into a discussion as to the merits of either system; but we ought clearly to understand what we have to consider when the Government fix the day for the discussion, and call for the opinion of the House. I say it is a great subject, and one of the greatest importance. The right hon. Gentleman has become acquainted with it—so far as the House of Commons is concerned—only during the palmy days of national education, and when it was in full operation under the power and authority of the Privy Council Office. But there are Gentlemen in this House, even at this moment, who remember when this question was in a very different state. I, being one of them, cannot look upon the results of the labours of the Privy Council on Education without remembering the great results that have been obtained—tentatively, as he says, but, as

I think, by a gradual system of experiment and natural development—and without feeling that in our future history the establishment of the present system of education will much redound to the honour of those who took part in it. There is one other topic on which I would make a remark. The right hon. Gentleman seems to wish that Parliament should have more control over the conduct of the Committee of Privy Council, and the transactions with which they deal, than we now unfortunately possess. It has always been a subject of regret to the right hon. Gentleman, he says, that there has not been that clear and constitutional control over the course and conduct of the Committee of Education which attends and accompanies the other branches of the Administration. But Parliament must feel that this is not owing to any desire on the part of the Privy Council to escape from the control of this House, but that it arose from the difficult and anomalous circumstances which Parliament had to deal with at first, and that no fault would be found with any Minister who might take a step which the law permitted, but which the spirit of the Constitution scarcely justified. But, while the right hon. Gentleman regrets that there is not that control on the part of Parliament that might be desired over the Privy Council, he forgets that some years ago an office of great honour and authority was established, the object of which was that a clear and constitutional connection should be established between the doings of the Privy Council and this House, and that this office is now occupied by the right hon. Gentleman himself; and although no person who is familiar with the administration of public affairs can for a moment pretend that the right hon. Gentleman has done anything that by law he was not justified in doing, still every one felt, from the time of establishing the office of which I speak, that the Vice-President of the Committee of Council for Education would see that no extreme step was taken without consulting the House of Commons. Seeing that this office is filled by a Gentleman who regrets the want of control by the House of Commons, I cannot help expressing my extreme surprise at the manner in which the Revised Code has been introduced to the public notice. I care not to say that the compliment might have been paid to us of introducing this Revised Code in the House of Commons, but what is

remarkable is, that the moment Parliament is prorogued the Revised Code is published. I give no opinion to-night upon the Revised Code; but that it will cause an immense revolution in our educational system the right hon. Gentleman asserts. He has swept away the existing system in fact, or is prepared to do so, and to substitute new rules in the place of the old ones. Well, I ask Members on both sides whether the House had not a right to expect that so great a change would be introduced to the consideration of the House before the prorogation. Both sides of the House will agree with me that we had a right to expect that. If, indeed, the changes had been the result of the elaborate studies of the recess, we might then have been told that there was a case for publishing the new Code without coming to the House. The exigency and importance of the subject might have justified the right hon. Gentleman in thus giving us the result of the labours and councils of the recess; but, as these papers were laid on the table the very day when the prorogation was announced, it is clear that the Revised Code must have been for some time in the despatch-box of the right hon. Gentleman. I ask the House, is that the constitutional course which might have been expected to be taken by a Minister who expresses his regret that Parliament does not exercise all the control over his Department that he could desire? But I will ask this further question—had the House any reason to expect that the Government were meditating this Code? I remember, in July, when the Report of the Commissioners was laid on the table, the right hon. Gentleman felt it to be his duty to make some observations on that Report. He described the character of the Report of the Royal Commissioners. The right hon. Gentleman said that the Commissioners approved the existing system of education. He added that he ought to speak boldly on this subject, and that he had no hesitation in saying that the Government adhered to that system. Well, Parliament was prorogued with a general conviction that the Report of the Commission was looked upon by the Government, as everybody looked upon it, as a report favourable to the existing system, and that the Government, out of respect to the Report of the Commissioners, and to a system which had formed for a quarter of a century, under circumstances of extreme difficulty, our system

of education, would be prepared to adhere to and support that system. I ask both sides of the House whether that was not the impression? But how have we been treated? I make no observation on the policy of the Revised Code—I say nothing in vindication of the existing system. These are matters of controversy, which it would be inexpedient now to touch upon. I am now strictly confining myself to the manner in which the House has been treated. There was the Reform Bill—that was at the time violently opposed. The opposition to it arose from political considerations—the apprehension of democratic danger. Then there was the Poor Law; there was great opposition to that; also from a political cause—the fear of centralized authority. There was great opposition to the Reform of our tariff, and that arose from a political feeling—from a fear that it might endanger our domestic industry. But when the question of education was raised, and those attempts first made which have culminated in the establishment of this National system, they had to encounter not only political or civil objections, but religious objections also, and therefore they had a double difficulty—civil and religious jealousy; and yet they overcame, by great talent on the part of the administrators and great enthusiasm on the part of the general population, this double difficulty, which all our other preceding great changes had not to encounter, and ultimately, in the year 1860, we saw the complete Code of that system laid upon the table of the House. Now, Sir, I wish not to-night to maintain that there was no necessity for change; but what I want to impress upon the House is, that this system of popular education, which in the course of so many years, with so much moderation, but at the same time with so much earnestness, supported with great ability on the part of those who were Ministers of the country, but supported still more by the enthusiastic feeling of the great body of the people—I say that when this great system of education was established it was established under greater difficulties than the reconstruction of our representative system, the formation of our pauper code, or the reconstruction of our commercial tariff had encountered, and had produced not a less powerful effect on the public mind. Well, then, what should we have thought if the state of the law in this country were such that after the prorogation of Parlia-

ment a Minister of the Crown, not approving of the Reform Act of 1832, as some seem not to approve, had abrogated it, and attempted to substitute a new Reform Act; or if the Chief Commissioner of the Poor Law had erased the whole body of minutes of all the Commissioners from the commencement, and had substituted for it the results of some novel speculations of new economists; or if the President of the Board of Trade, for instance, had rescinded the remodelled tariff of this country and substituted a new commercial system founded on the principle of reciprocity? Why, Sir, we cannot conceive such things—it is like a wild and incoherent dream to suppose their possibility; and yet this is exactly what has been done with an institution, I may say, not less precious than our Parliamentary representation, or our pauper legislation, or even than our commercial code—the popular education of the country. Well, I do not mean to say that the right hon. Gentleman, or the President of the Committee of Council (Earl Granville) committed themselves to any step which was not perfectly legal on their part; but I say that it is greatly to be regretted that a Minister, whose office was created in order that there should be a more complete communication between the Department of Education and Parliament than heretofore, should have felt it his duty to take such an unusual step; and I think that no one will doubt that whatever may be the opinion formed on the Revised Code or the existing system, there is one point upon which both sides of the House and all parties are agreed—that whether the existing system ought to be maintained or the Revised Code adopted, some means should be taken by which a complete control should be enjoyed by Parliament over the doings of the Committee of Council on Education. For in all my experience of public life—although I admit that the act on the part of the Government, so far as form was concerned, was justifiable—I cannot conceive an act more unwise than that the moment Parliament was prorogued, a Minister should have taken the course which he did of abrogating not only all the existing Minutes—the result of the experience of a quarter of a century—but of substituting a new system which, as far as I can collect, was to have come into operation without the House of Commons ever having the cognizance of it, or ever having an opportunity of exercising any control

over it. I say, Sir, that is a monstrous state of affairs, and one which, if suggested as an hypothesis a year ago, would have been thought utterly incredible. Well, whether all the complaints urged against the Revised Code—whether the lamentations of the schoolmasters and those various classes of people with whose feelings the right hon. Gentleman so deeply sympathized and referred to in such a consolatory tone—whether they are right or wrong, they have a right to receive the expression of public gratitude for having arrested at least the course of those violent proceedings, for having taught us the ignominious position which we were occupying as regards our control over one of the most important departments of the State, and over affairs which so deeply interest the people of this country. I am therefore far from regretting the excitement which the publication of the Code has caused. I think its warmest admirers—if it have warm admirers—should feel some consolation that the House of Commons, through the feeling thus excited, should have an opportunity of in some degree exercising that control which belongs to them over this important department of the State. I hope the House will agree not to enter to-night into any discussion of the question. It is too vast and elaborate for any hasty criticism; and I hope, when it is considered, it will be considered in a spirit worthy of, I will say, so solemn a theme. I hope the Government will find it convenient to inform us on what day they intend to ask the opinion of the House, and that they will fix upon an interval which, without being unnecessarily long, will enable the House and the country to pronounce maturely upon the subject.

Mr. NEWDEGATE said, before the right hon. Gentleman answered the questions which had been put to him, he wished to refer to one point upon which he hoped that he should receive an answer. The right hon. Gentleman stated that Roman Catholic and Jewish denominations did not permit any examination into the religious matters taught in their schools; he then went on to state, as he (Mr. Newdegate) understood the right hon. Gentleman, that under the scheme which he proposed the schools of the Protestant denominations would not be examined in religion; but he further added that the Church of England schools would be examined on religious matters under the supervision of the two Archbishops of our Church. His (Mr. New-

degate's) question was this:—In the event of any failure on the part of any school, of either the Protestant denominations or the Church of England, in proving the sufficiency of the religious instruction given therein, would the penalties, which under the new Code were to be attached to such failure in respect of religious teaching, be under the new Code the same as those for the failure on the part of those schools in the teaching of reading, writing, and arithmetic?

Mr. KINNAIRD expressed his entire concurrence in the observations which had fallen from the right hon. Gentleman opposite (Mr. Disraeli). Within his recollection—and he had had the honour of occupying a seat in the House when the original measure was proposed in 1837—no more important matter had been brought before the House. It was one which, in his opinion, was worthy of the gravest consideration of Parliament. The new system seemed to him to be robbing Peter to pay Paul.

Mr. CAIRD wished to know if he understood the right hon. Gentleman, that while Scotland was exempted from the Revised Code, the present system was to be maintained?

LORD ROBERT CECIL said, he understood the right hon. Gentleman to say, that there would be no loss on the part of the schools under the proposed system, and yet the estimate would amount to not more than £500,000.

Mr. LOWE: * I did not say that there would be no loss to the schools generally. I said I thought there need be no loss if proper measures were taken to comply with the conditions of the Code. The noble Lord also misunderstood me—I did not include in the £500,000 the capitation grant and other items. With regard to the question of the hon. Gentleman (Mr. Caird) it was intended that Scotland should remain under the present system until further steps should be taken. I have now to answer the right hon. Gentleman the Member for Bucks, who raised a suggestion and asked a question. The right hon. Gentleman asked, supposing that the Ministry after the Reform Bill had been passed had presumed to abrogate it, what should we think? Why, Sir, I should think they were mad. Then the right hon. Gentleman said, "You waited until Parliament had separated; you left us in the dark, and then you presented a Code working a great revolution, abrogating all

that has been done before." Now, how is it in fact? The new Code could not come into immediate effect. The first examinations under the new Code could not take place until after July 29, 1862, and therefore, long after Parliament would have had an ample opportunity of judging of it. Next, as to a point upon which the right hon. Gentleman dwelt with a minuteness which astonished me. I expected a different complaint—I expected that I should be told, having troubled the House at such length, that I had made my speech of last year over again. It is a total misapprehension to say that the House knew nothing of the intention to propose a Revised Code. It happens that last year, when the Estimates were before the House, I not only discussed the recommendations of the Commissioners, but I explained the details of this very Code, and I will now take the liberty of quoting a few words from the speech I made on that occasion. I said—

"It seems to me that it is quite possible to suggest a system which may do something to remedy these defects [those pointed out by the Commissioners]. What we propose to do will be embodied in a Minute, which will be laid on the table as soon as possible."

I went on to explain what the Minute would be—

"We propose, therefore, to give the capitation grant on the number of attendances of a child above a certain number, provided always that the school is certified by the Inspector to be in a fit state, and provided also there is a certified Master."

I went on to say that—

"Having thus secured attendance, we propose to go a step further. We propose that an Inspector shall examine the children in reading, writing, and arithmetic. If a child pass on the whole, the full capitation grant will be given; but if he fail in writing, for instance, one-third of the grant will be withdrawn; if he fail in both reading and writing, two-thirds will be withheld; while if he fail in reading, writing, and arithmetic, no portion of the grant will be paid."

And then, so anxious was I that the House should understand the purport of the Minute, that I ventured upon a bold experiment. I said—

"I can hardly hope that I have made myself intelligible. The matter is one of considerable complexity, and I may be allowed to recapitulate the main features of our plan. We propose to give capitation grants on each attendance above a certain number—say above 100. We also require that there shall be a certified master; and, lastly, the grants will be subject to reduction upon failure in reading, writing, and arithmetic."—[3 *Hansard*, clxiv. 734.]

Mr. Lowe

Thus, I not only stated the substance of the Code, but I also made a complete statement twice in the same speech of what we intended to do. The Code was laid on the table on the 29th of July, seventeen days after I made the speech, although at the time I had hoped to be able to lay it on the table at an earlier date, but the matter being one of complexity, so many persons had to be communicated with that there was a longer delay than I desired. When the right hon. Gentleman says we intended to withdraw the subject from the consideration of Parliament and the country I assure him that he is mistaken. The very object of framing the Code in this way and laying it upon the table was that that might happen which has happened—that during the vacation public attention might be drawn to the subject, and that we should have a discussion upon it with the advantage of all the light which could be thrown upon it by those who took an interest in education. Owing to that deliberate act, we have had full discussion, which will have a great effect, whatever may become of this measure, upon the future destinies of education in this country. Had I wanted to play fast and loose, I could have kept the Code to myself, and laid it upon the table on the first day of the Session, and have trusted to its passing through in the pressure of business; but, instead of that, I took a course which was certain to lead to a full discussion; therefore, the right hon. Gentleman is rather ill informed upon the facts when he charges me with attempting to evade discussion. I have now laid upon the table some very important modifications, which will materially affect, I am sure, the views of many Gentlemen. We hope the effect of these Amendments, when hon. Gentlemen have had time to consider and weigh them, will be to remove many objections to the passing of this Code; but if, unfortunately, we should be mistaken and all concessions should be unavailing the matter will remain with the House, and it will be for those who are dissatisfied to take whatever steps they may think advisable. It is not for the Government to fix any particular day, but hon. Gentlemen will have an opportunity of reading the Amendments, and when they have they can take whatever steps they think fit. With respect to the question of the hon. Member for North Warwickshire (Mr. Newdegate) I did not say there would be any change in the manner

of religious inspection ; I only stated what is now the practice—that the Inspectors do inspect upon religious subjects in all Church schools, but not in the schools of Dissenters.

MR. NEWDEGATE said, what he wanted to know was whether, where the inspection was extended to religious subjects, the failure on the part of any school in proficiency upon those subjects would be followed by the same penalties under the new Code as were attached to failures in reading, writing, and arithmetic.

MR. LOWE said, the penalties will be these. If the Inspector reports that the religious instruction in a school is not satisfactory the grant is now withheld altogether ; but if he reports that it is defective, Clause 47 of the new Code makes it lawful for the Committee of the Privy Council to withhold a portion of the grant, not less than one-tenth or more than one-half ; and that power of a partial withholding is given now for the first time.

SIR JOHN PAKINGTON: Sir, I have heard with satisfaction what has fallen from the right hon. Gentleman upon the subject of the complaint made by my right hon. Friend (Mr. Disraeli), and, as I think, not without reason. The right hon. Gentleman has now assured the House that he had no intention, by the mode of proceeding he has adopted, to take Parliament by surprise or to deprive it of the security which long practice had conferred upon it. I am convinced that a great part of that feeling in the country on this subject to which the right hon. Gentleman has referred has arisen from an impression, in which I confess I participated, that the course he pursued of laying the new Code upon the table upon almost the last night of the Session was not in consonance with that frankness and fair dealing towards the representatives of the people, which I am sure the noble Lord at the head of the Government always wishes to be practised. In 1852, when Lord Derby was in power, some changes of far less importance were proposed with regard to the existing Code, and the principle was then laid down and concurred in equally by Lord Derby and by Lord John Russell, that it was the duty of the Privy Council Department to take care that all Minutes should be communicated to Parliament to enable them fully to understand what was going on, not only before they were called upon to decide whether the contents of the Minute re-

quired Parliamentary interference, but even before they were called upon to vote the money by which the new Minute would be carried out. I was glad to hear the assurance of the right hon. Gentleman (Mr. Lowe) that he had no intention of depriving the House of that security which practice has given it. As to the speech of the right hon. Gentleman, I listened to it with the attention and interest to which upon every ground it was entitled, and I agree with my right hon. Friend that it is undesirable, after hearing the important modifications now proposed, to enter at present upon any discussion upon them, or to commit ourselves to any opinion without due consideration. Whether the right hon. Gentleman is correct or not in the opinion he has just expressed with regard to the proper mode of proceeding—and I am disposed to believe that he is correct—there can be no doubt among those who have heard his speech, that his proposals, regarded either in their original form or in the altered shape in which they have been submitted to us to-night, must become the subject of careful consideration in this House ; and therefore I think it is most desirable that we should reserve our opinions until we have that opportunity which must arise of discussing the extensive changes which even now the right hon. Gentleman proposes. I confess I am surprised at the apparent inconsistency between the right hon. Gentleman's language to-night and that which he held during the last Session. I find that last Session, referring to the new Code which he was about to introduce, he said, "It leaves the whole system of the Privy Council intact." That language was not forgotten, and it was, I think, very much on account of it that the public mind was aroused, and rendered somewhat indignant at finding laid on the table of the House at the extreme end of the Session a Code which was generally regarded as entirely upsetting the system of the Privy Council. To-night the right hon. Gentleman has stated—I took down his words, though he may possibly have intended them to have a more limited application than I am now giving them—"that our only plan is to sweep away the existing system ;" and almost his last words in alluding to that system were that "it is unworthy to be a permanent and definite system." I mention this discrepancy to show that we have reason to complain of the course which has been taken ; because, view the change with

favour or disfavour, nobody can deny that it is most extensive. I do not wish to use any harsh terms towards the right hon. Gentleman, but I think the feeling of the country has been that it was not ingenuous, not frank, not consistent with that fair dealing with which we are accustomed to be treated by the Government, that a scheme such as this should be laid on the table at the very close of the Session after the previous declaration that it would leave the whole system of the Privy Council intact. The right hon. Gentleman has referred to the speeches made on this subject during the recess. I wish, therefore, now to state that I have during the recess carefully abstained from using any expression which could commit me to any definite opinion that should fetter my action in this House. And although I have avowed impressions unfavourable to the scheme, I have always accompanied them with the declaration that I should await the explanation, which, doubtless, the Minister for Education would make when Parliament re-assembled. I entertain the same feeling still; and I can assure the right hon. Gentleman that nothing that I have said out of this House, no impression that I have formed from the right hon. Gentleman's speech to-night, shall prevent my approaching the consideration of this question, whenever the proper time for it arrives, in the most impartial and dispassionate spirit. I quite agree with my right hon. Friend that the right hon. Gentleman could not have committed a greater error than by treating this, as he did at the commencement of his statement, as an unimportant matter. It is a matter of grave importance. At the same time, I own that I am one of those few Members—certainly a minority in this House—who have never been advocates of the existing system. For many years past I have held one uniform language on this subject. I have always said that if you attempted to educate England and penetrate every corner of the country, as you ought to do under the existing system, it would be found too costly and too highly centralized to admit of its satisfactory working. This has been my opinion for years. Again and again I have expressed it in this House and out of this House. I have not changed my opinion; and if I wanted confirmation that this opinion is not without some foundation, I might appeal to the Report of the impartially-constituted Commission, and I might appeal to the able speech of the right hon. Gen-

Sir John Pakington

tleman to-night; for the House will bear in mind that that speech consisted not so much of a vindication of the Revised Code as a powerful attack on the existing system and its imperfections. I refer to those opinions of mine to convince the right hon. Gentleman and the House that whatever my opinions may have been of former plans, I am willing to approach the subject, when it comes on for discussion, in a spirit of fairness and impartiality.

MR. WALPOLE: Sir, I wish to make one observation rather in support of the opinion expressed by my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), and also with the view of eliciting a more definite answer from the Government as to the mode in which this Minute is to be discussed. I agree with my right hon. Friend in thinking it would have been convenient if the Government had felt it expedient to name a specific time at which this great alteration should be deliberately considered and debated by this House. And not only should the time be fixed, but we may fairly ask that the change proposed should come before us embodied in such a shape that we may know what we are discussing. At present we only know two things—first, that grants are made in this House when we go into the Education Estimates upon a system known to and thoroughly understood by the country; secondly, that there is what is called a Revised Code laid on our table, which it requires some little care to compare with the existing system in order to discover the alterations it introduces and the points to which they extend. Then, there is this additional difficulty—occasioned by the statement, and the very proper statement, of the right hon. Gentleman to-night, putting the House in possession of the present views of the Government—namely, that the Revised Code is itself revised. I should be very glad if the Government can inform us in what shape the revision of the Revised Code is to be laid before us. [Mr. Lowe: It is on the table.] Then, I should also put it to the Government that it would be convenient if along with the Revised Code they would give us in parallel columns the system as they had it before, and the altered system as they will have it according to the proposition of the Government. That is not an unreasonable request to make. When the noble Earl at the head of the Foreign Office (Earl Russell)—no longer, unfortunately, a Member of this

House—recommended to us a variety of alterations in our system of education, he laid on our table a series of Resolutions, which enabled us to go into Committee and consider them *seriatim* and in detail. A similar course ought, I think, to be pursued in this instance. When we are to have a new system established, overriding the one upon which we have acted for so many years, it would surely be more convenient and proper that we should have the proposals placed on our table in such a form that we might adopt, modify, or reject them *seriatim* and in detail. If, therefore, the Secretary of State will assure us that something of that kind will be done in this case, I believe it will very much expedite the discussion, and enable us to bring it to a right determination.

SIR GEORGE GREY observed, that when a Minute of the Education Committee was altered, the regular course was to lay the altered Minute on the table of the House, and then it would be open to any Member to object to that Minute or to any portion of it, and by a Motion for an Address to the Crown, or by some other mode, to take the sense of the House on the subject. This, indeed, was the proceeding contemplated to be adopted in another place by a noble Lord (Lord Lytton) who has given notice of a string of Resolutions with respect to the Minute which had just been the subject of explanation. The Government would also be bound to come to the House for a Vote of money for the purpose of carrying on the new system; and this would afford another opportunity to any hon. Member to object to the proposed modifications.

MR. LOWE said, in explanation, that in his speech last year, referred to by the right hon. Baronet opposite, he alluded to the fundamental principles of the Privy Council system as that which was to be maintained intact, because the same speech contained the explanation of a proposition for sweeping away certain annual grants; and the passage in his speech of to-night, which had been referred to, also alluded to those annual grants and not to the fundamental provisions of the system.

Copy of Minute to lie on the table.

House adjourned at a quarter after
Nine o'clock.

HOUSE OF LORDS,

Friday, February 14, 1862.

DESTRUCTION OF CHARLESTON HARBOUR.—QUESTION.

EARL STANHOPE said, he desired to ask a Question of the noble Earl the Foreign Secretary in reference to a report in the newspapers that a second squadron of ships laden with stone had been despatched by the Government of the United States to be sunk in the Maffitts Channel of the harbour of Charleston. It was added that a third squadron was in the course of equipment, and was intended for a similar purpose. Now he (Earl Stanhope) desired to know whether the noble Earl opposite (Earl Russell) had received any information from Washington respecting these rumours, and if so, what course he intended to pursue in regard to them? He had been in hopes that the former despatch of the noble Earl would have settled the question, for it seemed to him (Earl Stanhope) to have laid before the American Government, in so comprehensive a form, and with such unanswerable arguments, the considerations that ought to guide them in regard to such enterprise, that he had hoped it would settle the question. It seemed to him to be a most worthy sequel to the policy with respect to American affairs which all parties were agreed in thinking had done so much credit to the noble Earl and had so fully vindicated the honour of the country, and to the approbation which had already been bestowed on that policy he begged to add his humble meed of praise. It was difficult to see how the sinking of large ships laden with stone on banks of mud at the entrance of a harbour could end in anything else but the permanent destruction of that harbour; and it was on that ground, as far as he could understand, that the measure was originally put forward and afterwards defended. The permanent destruction of a harbour was not justified by the laws of war. War, undoubtedly, sanctioned many grievous acts, but it did not sanction any act of this kind. The permanent destruction of a harbour was not an act of war of man against man, or of nation against nation, but it was an act of war against the bounty of Providence, which had vouchsafed harbours for the advantage of commerce and for the civilizing influences of intercourse between one people and another. On this ground we were well entitled and

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were bound to enter a protest against such acts. He wished to hear from the noble Earl whether these reports were well founded; and, if so, whether he had taken or designed to take any steps in the matter? He should also wish to know whether the noble Earl had received any communication from the Government of France on the subject, and whether the Government of France, to his official knowledge, had made any similar representations to the Government of the United States with respect to the destruction of the Port of Charleston?

EARL RUSSELL: In answer to the noble Earl, I have to state that I have received no official information beyond that contained in the despatches which have been laid upon the table of the House. This, however, is a matter so important—the sinking of vessels at the mouth of a harbour—that I cannot doubt the reports which have appeared in the newspapers. I am very happy, however, to hear the protest of the noble Earl against the permanent destruction of these harbours. When we consider that they are commercial harbours, and in time of peace and when there is severe weather harbours into which vessels can run, it must be considered a most barbarous act to destroy them. From the reply of the American Government, however, the noble Earl will have seen that these stone vessels are intended as an obstruction to the channel, and to aid the blockade, and are not intended for a permanent destruction of the harbour. In a recent conversation upon this matter with the American Minister at this Court, he told me that he believed it was not intended that there should be a permanent destruction of the harbour of Charleston, and that such a thing would be impossible, for the two rivers which run into the harbour are sure to make a channel, which it will be impossible to destroy. He added that it was only the intention of the American Government to make a temporary obstruction, and that when peace was restored the blockade would be removed. This is the only information which I have received from the American Government. As to the course which the French Government have pursued, I have only to say that I communicated to them as soon as her Majesty's Government had decided to remonstrate against this proceeding, and from M. Thouvenel we have received an assurance that the Government of the Emperor took the same view which we do in reference to this subject; but

Earl Stanhope

whether any official representation has been made to the Federal Government I am unable to state.

METROPOLITAN THEATRES IN PASSION WEEK.—OBSERVATIONS.

VISCOUNT DUNGANNON rose, to call Attention to the Licences accorded by the Lord Chamberlain to the various Theatres in the Metropolis having this Year been granted with the Omission of the usual Clause prohibiting their being opened on Ash-Wednesday, and during Passion Week. He trusted that some explanation would be given for this abandonment of a time-honoured custom. As far back as history threw any light on the question, the licences of the Lord Chamberlain had always prohibited the theatres from being open for the performance of plays on Ash-Wednesday and during Passion Week. Ash-Wednesday was the first day of the period set apart by the Church for humiliation and prayer. [Viscount SYDNEY: There is no intention to allow theatres to be opened on Ash-Wednesday.] Then he would confine his observations to Passion Week. It could not be said that the prohibition of performances in that week made any inroad on the amusements of the public; nor could it be said that the lessees and proprietors of theatres had any cause to complain of it, for they took their theatres subject to the prohibition of performances in Passion Week, and no doubt their rent was fixed at a sum in accordance therewith. Neither could it be urged that many persons were thrown out of employment by the restriction; because during the time theatres were closed for performances, persons were employed in preparing them for the Easter amusements. He could see no sufficient ground for this extraordinary change. Perhaps he should be told by the Lord Chamberlain that in the licences granted to provincial theatres a provision that they should be closed during Passion Week did not exist; but surely that could be no reason for allowing the metropolitan theatres to be opened, seeing that in their management an example ought to be set to all other theatres in the country. Was the Crown to set an example of what was right, or descend to the level of that which was wrong? Their Lordships were, about two years ago, told that such was the state of religious feeling among the working classes, that not more than 2 per cent of them ever went inside a place of worship. Now,

although he believed that that statement was much exaggerated, yet the feeling existed to a very considerable extent. But could they hope to see that feeling changed for the better toward things sacred in their character, when they saw the responsible advisers of the Crown sanctioning this unwarrantable innovation? He felt bound to state, that in his opinion, if the country was canvassed, the people would, from one end to the other, protest against such an innovation; and he could not help expressing his great surprise that such a step as this should have been taken at a time when their Sovereign was suffering under affliction in the loss of the Royal Consort. He hoped he had said enough to show their Lordships that evil consequences would follow the course which it was proposed by the Lord Chamberlain to pursue. But whether that course should be approved or censured by their Lordships, he felt satisfied in having performed his public duty in bringing it before them.

VISCOUNT SYDNEY said, he rejoiced that the noble Viscount had given him an opportunity of stating to their Lordships and the country the nature of the change in the licences to theatres under the jurisdiction of the Lord Chamberlain. He further rejoiced that the noble Viscount had done this because he believed that there was generally a great misunderstanding upon the question. The noble Viscount had referred to a late national melancholy event; but the alteration in the licences was made at Michaelmas, and consequently it was long before that calamity occurred that the change was decided upon. The best answer to the question of the noble Viscount would be to describe the present state of the law. Certain theatres in the metropolis were under the jurisdiction of the Lord Chamberlain, and these were opened by his annual licence. The other theatres in the metropolis were licensed by magistrates, as were also the theatres in Edinburgh and Dublin, and throughout other portions of the United Kingdom. In those theatres there was no restriction as to performance during Passion-Week, or as to the nature of the entertainment. The managers of the theatres which are under the jurisdiction of the Lord Chamberlain have long complained of this anomalous state of things—that they are prevented opening their theatres in Passion Week, while adjoining theatres, and also music-halls, casinos, and dancing-places, are allowed to

remain open for even unlicensed performances. As an example, he might mention that the Haymarket Theatre must close during Passion Week, while no such restriction applies to the Alhambra and other places of that description. The managers of the Covent Garden Theatre were unable to open their house, but were to go to Dublin, being at liberty to do in Dublin and Edinburgh what they could not do in this metropolis. He thought that this was an anomalous state of things, and that there was some justice in the complaints made by the managers of these theatres. Another ground which they urged against the restriction was this—that it was a great hardship to the *employés*—that, in fact, 1,500 people were thrown out of work by the closing of the theatres. These were the grounds on which the change referred to had been made. He was not prepared to argue the question whether all the theatres or the places of amusement in the metropolis should be closed during Passion Week, but this he would say, that even-handed justice should be done to all. If one theatre was compelled to close, all should be subject to the same restriction both in metropolis and provinces; and if the theatres under the jurisdiction of the Lord Chamberlain—in which plays could only be acted after being licensed—were to be closed, all other theatres should be closed also; and not only the theatres, but the music-halls, casinos, and dancing-places. It was, however, for their Lordships and the other House of Parliament, not for him, to deal with that question. He would only add, that nothing could be further from his intention than to do anything that could be considered as repugnant to the religious feeling of the country, and he could assure the right rev. Prelates of his conviction, that if the theatres were opened during Passion Week, they would be conducted with becoming propriety.

THE BISHOP OF LONDON said, he was quite sure that the Lord Chamberlain (Viscount Sydney) had expressed his sincere conviction when he said that, in removing the restrictions referred to, he had no intention of doing anything repugnant to the religious feeling of the community. He had had many opportunities of intercourse with the noble Lord in his official capacity, and was satisfied that the sentiments which he had expressed were those he had always felt. At the same time he must say that the

reasons given by the noble Viscount struck him as being quite insufficient to justify his course of action. The Lord Chamberlain argued that the theatres under his control in the Metropolis should be under no disabilities and not subject to any disadvantages as compared with theatres in other parts of the country and with other places of amusement. He (the Bishop of London) was glad to hear that Ash Wednesday and Good Friday were excepted days. He was not sure, however, that the theatres not under the control of the Lord Chamberlain were prohibited from opening on those days. He was therefore almost afraid that if this were so, according to the noble Viscount's reasoning, in another year Ash Wednesday and Good Friday might not continue to be prohibited days for the theatres under his control; that there might from time to time be a pressure on the noble Viscount to extend to them the liberty which the other theatres enjoyed. The entire question was really one of degree. He did not mean to say that the religious community of England would pay less attention to those sacred days whether the theatres were opened or not; but his distinct impression was that changes in that direction were very dangerous. He could not but remember the popular pressure that some time since had been brought to bear on the authorities to throw open on the Lord's day places of amusement which were hitherto closed. For his part he always considered that it was best in these matters to be on the safe side. He regretted that the Lord Chamberlain had not greater control over places of amusement generally, and considered that it would be very desirable that a reasonable and intelligent principle should be established for the regulation of all places of amusement throughout the entire kingdom.

After a few observations from Viscount DUNNANON,

EARL DELAWARR said, that he had no intention of throwing the slightest imputation on the noble Viscount (Viscount Sydney), but having had the honour of filling the office of Lord Chamberlain, he could not help saying that in his opinion the recent change would have the injurious effect of lessening the respect felt by the community for the sacred season referred to. He hoped that the noble Viscount would reconsider the conclusion at which he had arrived, as he believed that such a performance of duty would carry with it the hearty approval of the public.

The Bishop of London

THE MARQUESS OF NORMANBY suggested, that the Lord Chamberlain might make an arrangement with the managers of the theatres under his control which would have the effect of soothing the religious feelings of the community. Without entirely recalling his permission for the performance of plays in Passion Week, he might arrange that the theatres should be closed on the Thursday, Friday, and Saturday immediately preceding Easter—these days being considered of a more solemn character than the earlier days of the week. The hardship which was complained of by the theatres under the jurisdiction of the Lord Chamberlain was not without precedent elsewhere. As their Lordships were doubtless aware, the theatres in France, which received a subvention from the Government, which were, in fact, the national theatres, were required to close on the three last days in Passion Week, and he hoped Her Majesty's Government would feel the obligation to protect the religious observance of those days no less than in other countries. It was well known that of late years the great majority of visitors to theatres were not resident in London, but persons who visited London for a few days. Such persons would not choose Passion Week for their excursions, and therefore managers of theatres could not be so much injured as was supposed by the closing of their theatres in that week. He would also remind their Lordships that both Houses of Parliament adjourned over the last three days of Passion Week, during which time the transaction of public business was suspended. He thought that some such arrangement as he had suggested would be satisfactory, and that managers would find it to their own interest not to shock public feeling by doing that which had never been done before.

In reply to the Marquess of NORMANBY, VISCOUNT SYDNEY stated, that the scheme of Lord Normanby could not be carried out, inasmuch as the licences for all the theatres under the jurisdiction of the Lord Chamberlain were issued annually at Michaelmas; consequently they were issued for this year. Also, that he (Viscount Sydney) had hoped to have had the support of the noble Marquess on this occasion, as it was during the time that his Lordship held the office of Secretary of State for the Home Department that the change was made as to the Wednesdays and Fridays in Lent, on which days the

theatres under the Lord Chamberlain were formerly closed, Lord Normanby having advised the Lord Chamberlain of the day to agree to this change as desired in the House of Commons.

EARL STANHOPE said, that besides the main question brought that evening before the House, one collateral point had often occurred to him, which he would take the opportunity of stating; namely, whether it was not a great anomaly that theatres should be under the control of the Lord Chamberlain at all? What possible reason could be given for it? It was plain to him that the regulation of the theatres, so far as regulation existed, should be vested, not in the Lord Chamberlain, but in the Secretary of State for the Home Department; and if he wished for testimony on that subject, he would bring as a witness the Lord Chamberlain himself, who, instead of acting on his own unassisted judgment, had gone to the Secretary of State for the Home Department, and endeavoured to obtain his concurrence in the step he has taken. The fact of vesting theatrical arrangements in the Lord Chamberlain belonged to a state of things which had entirely passed away. In former days the theatres in question were appendages to the Royal Household, and still the performers styled themselves "Her Majesty's servants." But that system had become obsolete, and the continued jurisdiction of the Lord Chamberlain was an utter anomaly. The system having passed away, the jurisdiction of the Lord Chamberlain should pass away also. He thought it very desirable that at some future time their Lordships should appoint a Committee to ascertain the state of the law on the subject, and he was sure that the result of such investigation would be to simplify the existing system, and to place the regulation of the theatres as also the licensing of plays in the hands that ought to be responsible for it, and that were already intrusted with every other kindred branch of jurisdiction.

House adjourned at Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 14, 1862.

MINUTES.—NEW MEMBER SWORN.—For Lincoln City, John Brainley-Moore, esquire.

PUBLIC BILLS.—1^o Church Rates Commutation; Markets and Fairs (Ireland); Poor Relief (Ireland) (No. 2); Church Rates Voluntary Commutation.
2^o Highways.

ARMY MEDICAL DEPARTMENT—COM- PETITION OF COLOURED PERSONS— THE ARMY (INDIA).—QUESTIONS.

COLONEL SYKES said, he wished to ask the Secretary of State for War, in reference to an advertisement in the public papers headed "Army Medical Department," stating that there would be a competitive examination for thirty Military Assistant Surgeons, Whether Her Majesty's subjects in India and coloured British subjects in Canada and the Colonies, would be allowed to compete? Why 1,824 recruits, for the Bengal Presidency alone, were sent out at the end of last year, the fixed establishment of European Troops of all arms for India—namely, 71,000 men, being at the time exceeded by 9,770 men? And why the Queen's Bays, ordered home from India, were stopped at Cawnpore on their march to embark for England?

SIR GEORGE LEWIS said, the hon. and gallant Member moved for a return last Session which contained the materials for an answer to the chief part of the question which he had put. It was not intended that the Natives of India should compete for the office of army surgeons in the British army. In the returns to which he alluded there would be found a report from the Medical Board appointed last Session by the late Secretary of the War Department, in which the members of the Board gave it as their deliberate opinion that the native and mixed races of India and other tropical countries would never be able to sustain for any time the climate of northern regions, and therefore could not be employed with advantage to the public service in climates not similar to their own. The consequence was, that it was not thought possible or advisable to open the office of army surgeon in the general army to Natives of India. With regard to the coloured British subjects in Canada, he hardly knew to whom the hon. and gallant Member referred—whether he referred to the red men in Canada, the aborigines, or the free blacks. He was not aware of any of those classes being in a position to be admitted to the rank of army surgeon.

[The hon. and gallant Member repeated his Questions on Motion for going into Committee of Supply.—*See post.*]

BARRACKS AND MILITIA STORES. QUESTION.

CAPTAIN JERVIS said, that on behalf of his hon. and gallant Friend (Colonel Knox) he wished to ask the Secretary of State for War, Whether the advertisement in *The Times*, in which the War Office asking for tenders for the repairs of barracks and militia stores was correct; and if it is the intention of the Government to take the militia stores and barracks out of the hands of the county magistrates, and relieve the counties from all future expense for repairs, &c.?

SIR GEORGE LEWIS said, that the question was founded upon the apparent misapprehension—namely, that barracks and militia stores were, in respect to the law, in the same position. It was the duty of the county to provide stores for the militia, but it was not their duty to provide barracks. It was a decision of Lord Panmure that in consequence of its being merely a voluntary act on the part of counties to provide barracks for the militia, the expense of repairs should be borne by the War Department. The advertisement, accordingly, referred merely to the repairs of county barracks, and not to militia stores.

STATE OF IRELAND. QUESTION AND EXPLANATION.

MR. MAGUIRE said, he wished to ask the Chief Secretary for Ireland, Whether he had made inquiry in respect to the alleged attempts on the part of certain persons in Skull and Skibbereen to stir up a spirit of discontent amongst the people against the landlords; and if he could say on what occasion the attempts were made, and by whom and in what manner?

SIR ROBERT PEEL: Sir, the hon. Gentleman has not given notice of the exact terms of the Question that he intended to ask, but I have no objection to answer it as far as I am able. No doubt, the hon. Gentleman has asked the question with a view of endeavouring to throw doubts on the accuracy of a statement which I made the other night. In the zeal which he manifests for the interests of the landlords and tenants of Ireland he wishes to know the authority from which I derived the information which formed the substance of my reply to his own criticisms. It would take some time to read the letters in my possession; but if the House would permit me, I could answer the question fully. I am quite sure the House, and particu-

larly Irish Gentlemen in the House, have accepted the statements I made as emanating, on my part, from the most loyal desire to state what really was the condition and the wants of the poorer classes in Ireland. It will be quite evident that I can have no wish and no desire whatever to conceal or exaggerate the real condition of those classes. Indeed, I should be really ashamed to be a party to any appearance even of such concealment; and, if even now, after anxiously considering the matter, I thought or had reason to believe that in any way I had been misled or was mistaken, I would, at once, frankly acknowledge it, and do my best to correct the erroneous impression which I had been the instrument of creating. But I am bound to say that the statement which I made the other night, and which the hon. Gentleman impugns, is literally correct. I do not wish to enter into a discussion of the relations between landlord and tenant in Ireland, but I can assure him, and I believe I speak what every Irish Member in the House at this moment will endorse, that it is an unsatisfactory thing that we should have a repetition of the hon. Gentleman dragging before the public and the House of Commons the purely imaginary sufferings of the majority of the people of Ireland.

MR. MAGUIRE: I rise to order. I beg leave to state that I never alluded to sufferings either imaginary or real. I asked a certain question in reference to a certain district, and I now request an answer.

MR. SPEAKER: That is not rising to order.

SIR ROBERT PEEL: If I answer the question, I am bound to express an opinion as to the subject to which particular reference is made. The hon. Gentleman evidently assumes by the notice he has given that what I stated in reference to the relative positions of the landlords and tenants in Ireland was not true. He referred to the district of Kanturk. I have received a letter this morning from Kanturk, which, if the House will permit me, I will read, because it is a complete refutation of the—I may almost say—calumnies on the state and condition of the country.

MR. MAGUIRE: Sir, I again rise to order. I beg to ask whether, inasmuch as new matter has been introduced by the right hon. Gentleman, I shall be entitled to reply?

MR. SPEAKER: The whole course of this proceeding is verging on irregularity. The notice of the hon. Member as it stands on the paper would have been irregular, for it is founded on a reference to a past debate. I pointed out that to the hon. Member, who at once altered the form of his Question to meet the rules of the House. I must now inform the right hon. Gentleman that in his reply it will be his duty to avoid all reference to what has taken place in this House on a past occasion, and suggest that he should be as concise in his answer as justice to the subject-matter will permit.

SIR ROBERT PEEL: I will make it as concise as possible. The hon. Gentleman asked me for a specific reply as to the districts of Skull and Skibbereen. I would observe that I not only referred to these two districts, but also to the Roman Catholic diocese of Tuam. If the House will permit me, I will read a letter I have received from Kanturk this morning. The writer says—

“Sir,—I think it only right your hands should be strengthened”—

This is from an *ex officio* guardian of the Kanturk Union. [MR. SCULLY: Name.] I decline to name the writer. The House, I suppose, will take my word that the letter is authentic.

“Sir,—I think it only right your hands should be strengthened with reliable information while dealing with professional agitators who are trying to make political capital out of the present partial distress in certain parts of Ireland. The accuracy of Mr. Maguire's statements as to Kanturk Union will be estimated by the following facts: The workhouse accommodation—

MR. SPEAKER: To read a document commenting on debates in this House, and referring to a Member by name, is irregular.

SIR ROBERT PEEL, continuing to read—

“The workhouse accommodation there is fixed by sealed order for 1,111 persons. On the 1st of February there were only 579 paupers therein, of whom 199 were in hospital, and 98 children under five years of age. Yesterday the numbers were reduced to 553. These numbers are really not extravagantly high, as the union is very large, contains 104,000 acres, is poor, remote, for a great part mountain, with a small resident proprietary, and contains several villages in addition to the chief town of Kanturk. . . . In 1850 and 1851 there were about 5,000 in the workhouse and its several auxiliaries, and 24,000 receiving out-door relief.”

The hon. Gentleman has asked me whe-

ther I have received any information with reference to the unions of Skull and Skibbereen, and parts of the diocese of Tuam. If the House will permit me, I would also read a letter I have received with reference to what has taken place in that far district of Ireland, and which, I feel sure, will confirm what I stated was the real state of things there. I said there was an attempt unfortunately to set the tenants against their landlords. In confirmation of what I then stated, I must ask the permission of the House to read this one letter. I think it will convince the House that I was thoroughly justified in the statement I made the other evening.

“There was a meeting held at Castletown, Berehaven, with regard to the suffering there. A gentleman got up and stated that the greatest distress prevailed in that part of Ireland, worse than in 1847. Another gentleman got up at a very excited meeting and made use of these extraordinary expressions. He said:—‘You have heard that property has its claims and duties as well as its rights, but the landlords of Ireland have ever been the curse of Ireland. They have taken particular care of their rights, while they have shamefully neglected their duties, retiring at night to rest to dream how they may harass and oppress the unfortunate people whose lives are in their keeping, and add a shilling or two to each pound of their rent-roll.’”

Is not that a proof of an attempt to set the tenants against their landlords? I shall not now enter more fully into the matter, as the hon. Gentleman has to-night given notice that he will bring forward the whole question, but I do venture to say that when that debate comes on, the statements I have made will be corroborated by hon. Gentlemen in this House who are conversant with the real state of the case. For myself, I shall certainly not hesitate to express my opinion upon that subject, in spite of the attacks and the insults which for the last three months have been heaped upon me by interested and dissatisfied agitators.

IRON PLATE COMMITTEE. QUESTION.

SIR FREDERIC SMITH said, he desired to ask the Secretary of State for War, When he expects to receive the Report of the Iron Plate Committee; and whether he intends to lay it upon the table of the House?

SIR GEORGE LEWIS replied, that the question should have been properly addressed to his noble Friend the Secretary to the Board of Admiralty. He be-

lieved the report of the Committee would be shortly presented to the Board of Admiralty, and it would then be for that Board to decide whether they would lay it upon the table of the House.

THE CHANNEL FISHERIES.

QUESTION.

MR. BENTINCK said, he rose to ask the President of the Board of Trade, Whether it is the intention of Her Majesty's Government to introduce any measure in this House, or to take any steps for the purpose of putting a stop to the present manner of dealing, in this country and in Ireland, with British and French fishing boats captured for infringements of the convention of 1843?

MR. MILNER GIBSON said, that in reply to the question of the hon. Gentleman, he had only to say that there had been no complaints as to the mode in which vessels infringing the convention were dealt with in this country. It had, no doubt, been the duty of the authorities in the various parts of the country to enforce the Convention Act upon our fishermen, but the Government had not heard that any persons had complained of the way in which that had been done. There had been complaints as to the procedure in France in carrying out the provisions of the treaty, and representations had been made to the French Government, setting forth the complaints. Those representations had been favourably received, and were under the consideration of the French Government.

DEFENCE OF THE BRISTOL CHANNEL.

QUESTION.

MR. DILLWYN said, he had to ask the Secretary of State for War, Whether there is any truth in the report that it is the intention of Government to construct fortifications on the islands of the steep and flat Holmes and the adjacent coasts, for the protection of the upper part of the Bristol Channel?

SIR GEORGE LEWIS said, that lately, during the alarm of hostilities with the United States, many very pressing and urgent applications had been made to the Government with respect to the undefended state of the Bristol Channel, and in consequence of those representations it had been decided to erect some batteries—he could hardly dignify them with the name of fortifications—upon the islands to

Sir George Lewis

which the question of his hon. Friend referred, and in the estimate which he would shortly lay upon the table, there would be included a sum applicable to that service.

CONVENTION BETWEEN SPAIN AND MOROCCO.—QUESTION.

SIR STAFFORD NORTHCOTE said, he rose to ask the Under Secretary for Foreign Affairs, Whether the Government are in possession of a copy of any convention which has been concluded between the Government of Spain and that of Morocco, whereby one-half of the receipts of the Moorish custom-houses has been pledged to the Government of Spain; and, if so, whether they will lay the same before this House?

MR. LAYARD said, that the hon. Gentleman would see by the papers that had been laid upon the table of the House, that Her Majesty's Government were in possession of information with regard to the convention. He (Mr. Layard) believed it was the practice not to lay upon the table of the House treaties between Foreign Powers which had not been officially communicated. As this treaty had not been so communicated, it would not be laid on the table.

THE APPROACHES TO THE INTERNATIONAL EXHIBITION.

QUESTION.

MR. CHILDERS said, he wished to ask the First Commissioner of Works what steps Government propose to take for rendering the International Exhibition more accessible; and whether any of them will require the approval of Parliament?

MR. COWPER said, that he was afraid the approaches to the Exhibition were not likely to be altogether satisfactory. The approaches to the Exhibition from the east, south, and the west, would be through streets, some portions of which were not adequate for the ordinary traffic in summer, and he was afraid much inconvenience from the narrowness of those streets would be experienced by the multitudes who would throng to the Exhibition. He alluded particularly to the Brompton Road, the Kensington Road, and that very narrow portion of Park Lane, near its junction with Piccadilly. But it did not appear that the inconvenience was likely to be so great as to demand any special interference on the part of the Government.

The widening of streets seemed rather to be a matter of parochial and municipal management, and he was not prepared to state that the Government had any intentions with regard to those streets. With respect to the northern approach to the Exhibition, there was this peculiarity, that there was, properly speaking, no northern approach at all. Hyde Park and Kensington Gardens imposed a barrier of two miles in extent to the approach of carriages from the north to the Exhibition. Every vehicle proceeding to Kensington Gore from the north must pass through Park Lane on the east, or Church Lane, Kensington, on the west. The attention of the Government had naturally been directed to this subject, and, on behalf of the Crown, he would not oppose any remedy for this inconvenience that would not interfere with the recreation and enjoyment of the Park, which were the primary objects to which that royal domain had been devoted by the Sovereign. The fund most applicable to the purpose was the surplus that had accumulated in past years from the coal duties, and was intended by Act of Parliament to be devoted to metropolitan improvements, and he should shortly bring in a Bill appropriating a portion of this surplus from the coal duties to make that northern approach which appeared an urgent want.

THE NATIONAL GALLERY.

QUESTION.

LORD ELCHO said, he rose to ask the right hon. Gentleman the First Commissioner of Works, Whether there is any truth in the report that plans for a new National Gallery, to be erected on the Burlington House site, have been prepared, and that a vote for its erection is to be proposed to Parliament in the present Session; whether, in the event of such being the intentions of Government, the plans and elevation of the proposed building will be exhibited before any vote is proposed to Parliament; and whether any decision has been come to as to the purpose to which the present National Gallery is to be devoted.

MR. COWPER said, that the enlargement of the National Gallery in Trafalgar Square had enabled the trustees to receive within the existing building the Turner Gallery, in strict fulfilment of the bequest of the late Mr. Turner. The consequence, however, was that the buildings in Trafalgar Square were so full that some arrange-

ment must shortly be made to give increased accommodation to the national pictures. The subject had been very much under the attention of his department, and all possible means of accommodating those paintings had been considered, but at present the Government had not come to any decision in the matter.

LORD ELCHO asked, Whether in the event of any decision being come to, the plans would be laid on the table of the House before any steps were taken towards carrying them into execution.

MR. COWPER: That forms part of the subject on which the Government have not yet come to a decision.

TRADE MARKS.

QUESTION.

MR. BASS said, he wished to ask the President of the Board of Trade, Whether he proposed to refer the Bill on the subject of trade marks, which he had promised last Session, to a Select Committee or to introduce it himself.

MR. MILNER GIBSON said, it was understood at the close of the last Session of Parliament that, from the difficulty of the subject, it would be desirable to refer any measure that might be introduced to a Select Committee. The Government had prepared a Bill, and were quite willing that it should go to a Select Committee; but the hon. and learned Member for Sheffield was desirous of submitting his view, in the form of a Bill, to the House. The Government, therefore, saw no objection to refer both measures to the same Committee.

CIVIL SERVICE APPOINTMENTS.

QUESTION.

MR. BAILLIE COCHRANE said, he wished to ask the hon. Gentleman the Member for the King's County, Whether he would be willing to postpone his motion for throwing open to competition the junior appointments of the Civil Service till a later period of the Session? The House was not yet in possession of the report for last year of the Civil Service Commissioners; and the postponement would likewise be convenient to several hon. Members.

MR. HENNESSY said, he rose to express his willingness to postpone his motion, not only for the reasons stated by the hon. Gentleman, but because the Chancellor of the Exchequer, whom he understood to be a supporter of his motion, could

not be present on the day when he had intended that it should come on.

SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

THE KING OF DAHOMEY AND THE SLAVE TRADE.—QUESTION.

LORD ALFRED CHURCHILL said, that in rising to put the question of which he had given notice to the Under Secretary of State for Foreign Affairs, it would be unnecessary to remind the House of the painful feeling excited by the horrible massacres which had taken place in Dahomey. Reports of similar cruelties continued to be received, though not on so extensive a scale, some twenty or thirty miserable captives being killed every two or three nights. A letter which he had received represented the King as being friendly to France, Spain, and Portugal, but hostile to England; and, being completely in the hands of the mulatto slave-dealers, it was easy to discover their motive for instigating the King to acts of barbarity. Their object was to drive away Englishmen, as they knew that if once they gained any influence in the country, the unlawful gains arising from the slave trade would be at an end. There was some ground for the belief that the present would be a favourable time for sending a British commissioner to Dahomey, and in any such mission he thought it would be well that commissioners from France, Spain, and Portugal should be invited to join, in order that he might see he could not really count on the support of civilized nations. The question was one of importance in a commercial sense. In the present distress arising from dearth of cotton, India was naturally looked to for supplies; but the shortness of the staple was such that, as compared with American cotton, our operatives sustained a loss in manufacturing it equal to 25 per cent. The African cotton approximated much more closely to the American than that which was obtained from India; some said it was even superior, but that could only be when superior cultivation had made it so. But, at any rate, by getting a supply from Africa, the wages of the operatives would virtually be increased to the extent of 25 per cent. The entire country from Dahomey to the Niger was one vast cotton field. The cotton plant was indigenous and perennial; consequently it did

not require replanting year by year as in America; the crop had only to be picked and sent home. Of the sugar crop the same might be said, so that in considering the question the House would not be dealing with it purely from a sentimental point of view. They would naturally be animated by such high principles as the desire to arrest cruel practices, and, if possible, to put an end to the slave trade altogether, but they might at the same time feel that they would be conferring great and direct commercial advantages on this country if they could establish in Dahomey a better state of things. The King was at present completely in the hands of the slave dealers; but if he saw that his resources would be increased and his own position secured by legitimate commerce, there was reason to believe that he would be willing to listen to representations urged by responsible commissioners. He, therefore, wished to ask the noble Lord, the Under Secretary of State for Foreign Affairs, whether it was the intention of her Majesty's Government to send a Commissioner to Dahomey to treat with the King for the entire abolition of his barbarous sacrifices of human beings, and for the discontinuance of the slave trade in his dominions; and further, whether there was any objection to lay upon the table of the House any correspondence or memorials that may have been addressed to the Government on this subject?

MR. CAVE concurred with the objects advocated by the noble Lord, but feared that a barbarian like the King of Dahomey would not understand any argument except force, and would not be bound by any treaty, however carefully drawn. He had received information that even our new settlement of Lagos, the importance of which, as a cotton-producing country, could not be overestimated, was in great danger from its proximity to Dahomey, and that its only safety lay in the presence of Captain Beddingfield, who had great influence with the natives, and who had anchored the *Prometheus* sloop-of-war off the town. He (Mr. Cave) wished to take the opportunity of bringing an important point connected with this subject before the Government. He had intended making it a specific question, but thinking that, in our present relations with America, it would be better not to do so, he determined to take advantage of some occasion like the present merely to mention it, and express a hope that it

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would receive the serious attention of her Majesty's Government. He had heard from a highly intelligent correspondent on the West Coast of Africa that the whole American slave squadron had been withdrawn except one sailing corvette; that in consequence every slaver carried American colours, and our cruisers had not even their former miserable expedient of towing a suspected vessel to an American ship-of-war in order that she might be overhauled. Unless, therefore, some counter-expedient were devised, a large increase in the slave trade must be expected, which had only been delayed by a commercial crisis in Cuba. The same writer enlarged on the absurdity of sending recaptured Africans to St. Helena and Sierra Leone, for the benefit of the Mixed Commission Courts and no one else; instead of direct to the West Indies: but as he (Mr. Cave) intended bringing this subject more fully before the House, when the expenditure caused thereby came before them in the Estimates, he would say no more then; but he begged to remind Her Majesty's Government that the authorities of the Federal States had lately expressed in the most marked manner their determination to put down the slave trade, and had even condemned one Gordon, a slave captain, to death in New York, so that it was possible they might consent to some, if only temporary, measure, such as a relaxation of their rules respecting right of search, in order to prevent the mischief which would, otherwise, arise from the withdrawal of their squadron.

COMMERCIAL TREATIES.—QUESTION.

Mr. W. E. FORSTER said, that the House might recollect that at the close of last Session he asked the noble Earl the Secretary for Foreign Affairs, Whether he could inform them whether it was the intention of Belgium to enter into a commercial treaty with this country similar to that which had recently been entered into between Belgium and France. The reply of the noble Earl was that he had been assured by the Belgian Government they intended to do so; but that it was too late to bring the matter before their Chambers until the next Session. The delay was not satisfactory to the mercantile interests of this country; but they had no reason to think that the Government of Belgium was unfavourably disposed towards England. However, since then the Belgian Chamber had met again, and in the speech of

the King at the opening of the Session it was stated that it was the intention of the Government to recommend that England should be put on the same footing as France. He was sorry to say that that very satisfactory announcement had not been followed by any action; and great doubt was now felt in the manufacturing districts, as to whether there was a negotiation going on, or whether, if there were, some hitch had not occurred. A statement had appeared both in continental and English newspapers, to the effect that there was a hitch, in consequence of the Belgian Government wishing to sell us a commercial treaty and make the price of it the capitalization or redemption of the Scheldt tolls. The Belgian Government had not levied the tolls to which they were entitled on that river, and they had not done so because they did not wish to injure Antwerp. He did not complain that they should wish to get as much money as they could in lieu of those tolls, but what he complained of was this—that they should ask England to capitalize or redeem the tolls on the Scheldt when they had made a commercial treaty with France without demanding any such price for it. He did not regret the part which this country and the noble Lord at the head of the present Government had taken in securing for Belgium the independence which she now enjoyed, but he did regret that that independence had not been attended with more satisfactory results for the commercial interests of England. He was glad that the noble Lord at the head of the Government was in office at a time when this treaty was being negotiated. He did not wish the House to misunderstand him. He was a free trader; but he did not complain of free trade not being extended to us by Belgium. He, however, did think that we had a right to expect that a country which was on such friendly terms with us should deal with us on less friendly terms than those which regulated its negotiations with other nations. At one time, indeed, we succeeded in getting a commercial treaty with Belgium; but we failed in securing the clause which had become a matter of custom and almost of courtesy between friendly nations—a favoured nation clause, though such a clause had since been given by Belgium to many other countries, and among them to Russia. Even since the making of the commercial treaty between Belgium and France the former had made a treaty with Turkey,

in which a favoured nation clause was inserted. It was not generous of Belgium to treat an old and faithful friend in the way she had done; and although he was not one of those who thought that our political relations with other countries ought to be guided solely by our material interests, it was hardly prudent of Belgium to create the feeling in many Englishmen that it would be to their material interest if Belgium were part of France. Now, with respect to Prussia. It had been matter of notoriety ever since the making of the commercial treaty between this country and France that the latter had been negotiating with Prussia for a new treaty with the Zollverein. If so, he trusted that opportunity would be taken to obtain a revision of the Zollverein tariff. He could not exaggerate the importance of our trade with Germany, nor of the obstruction and impediments to it occasioned by the vexatious and absurd arrangement of the present Zollverein tariff. Not only did it contain duties much higher than they were originally intended to be, but specific duties, levied by weight, instead of value, so that we paid increased duties for results effected by improvements in machinery. Happily a strong feeling was beginning to prevail in Germany in favour of free trade among the manufacturers, who rightly were coming to the conclusion that they had little or no reason to fear it; and it was to be regretted that the Foreign Office did not promptly take advantage of this improving sentiment in the interest of the British manufacturers. The passing of the French Treaty with this country was a golden opportunity that ought to have been seized for that purpose. All commercial men in this country were agreed on the advantages of the French Treaty, which indeed could scarcely be overstated. It was the one bright spot in the present gloomy state of the commercial horizon, and if there were a town in Yorkshire which at the present moment enjoyed a good trade, it was owing to the French Treaty. In negotiating that treaty with the aid of the Board of Trade the hon. Member for Rochdale (Mr. Cobden) rendered the greatest official service ever bestowed on any country by an unofficial man. There was a strong opinion in the north that if the hon. Gentleman had gone on from Paris to Brussels and Berlin we might have made a treaty with Belgium and the Zollverein also. But he did not

go, and the Foreign Office did nothing. The noble Lord at the head of the Government being always anxious to protect the interest of Englishmen, it could not be charged against him that he did not care for the welfare of the British manufacturers, and consequently the apathy of the Foreign Office must be ascribed rather to ignorance of the way in which it could be secured. It was his own impression that there was a want of proper administrative arrangements at the Foreign Office for the promotion of commercial interests. In the autumn of 1860, after our treaty with France, negotiations were set on foot by France for a commercial treaty between France and Belgium. Two months elapsed, during which representations were made to the English Foreign Office from several Chambers of Commerce at Bradford and elsewhere; but nothing was done, and the opportunity was lost. Of course the Foreign Office must conduct commercial as well as political negotiations, but they could only do so upon information obtained from abroad as to the desires of foreign countries, and here at home as to the wishes and interests of Englishmen. The information from abroad was obtained directly by the agents of the Foreign Office, but at home it was obtained indirectly through the Board of Trade; and it was believed that this system of one office obtaining information from another was clumsy and inefficient. Commercial men thought that their interests had been neglected at the Foreign Office, though he was glad to say that of late there had been manifest improvement; but, in fact, the real evil lay deeper: if commercial interests were neglected at the Foreign Office, it was because commercial men had not looked after their interests themselves. He would therefore strongly urge upon the Government to take advantage of the present state of commercial feeling not only in Prussia, but also in other countries, and especially in Italy, where he understood that the French were taking the initiative, and to endeavour to obtain from them, as well as from Belgium, the same advantages for our trade as France was seeking to secure for herself. In conclusion he would beg leave to ask the Under Secretary of State for Foreign Affairs, Whether he can inform the House of the present position of the negotiation with Belgium for a new commercial treaty with that country; and if, in consequence of the commercial negotiations between

Prussia and France, there is a probability of a revision of the duties levied in the Zollverein on British manufactures.

MR. BAINES: Sir, I can assure the hon. Under Secretary for Foreign Affairs that the opinions expressed by the hon. Member for Bradford are strongly held by the Chambers of Commerce in the north of England. This is not only a question, however, as to Belgium and the Zollverein, but a question as to the practicability of some new machinery being introduced in the Foreign Office, having reference particularly to the interests of trade. The unfair treatment of England by Belgium is an old grievance, because as far back as 1855 a deputation from the Leeds Chamber of Commerce sent a deputation to the Belgian Government, and also made a representation to our Foreign Office of the extreme unfairness with which British goods were treated in Belgium; they showed that even then Belgium imposed differential duties of between 33 and 150 per cent in favour of the goods of France. Now the case is made much worse in consequence of the recent treaty between France and Belgium, for that has lowered the duties on French goods, whilst the duties on English goods remain the same as before. I have just looked at the state of commerce between Belgium and England for the last five years, and I find that the imports from Belgium have been greatly on the increase, while the exports of English and Irish produce to Belgium have actually been on the decline. The figures are as follows:—In 1856 we imported from Belgium to the amount of £2,936,000, and in 1860 £4,070,000, being an increase of 38 per cent. The exports in 1856 were £1,689,000 and in 1860 they had declined to £1,610,000, being a decrease of 5 per cent. It would seem, therefore, that the unfavourable tariff of Belgium has the effect of continually reducing the exports from this country. The real effect, however, is greater than that which is apparent, because a considerable part of our exports to Belgium are not for consumption in that country, but for transit to Germany; and we feel that we have a right to the best exertions of the Foreign Office to obtain justice and fair treatment for our manufactures on the part of the Government of Belgium, because, to use the words used by the then Foreign Secretary, Earl Russell, this was a question of good faith on the part of Belgium. I consider that we have now a right to put as

much pressure as can be used towards a friendly Government on the Belgian Government to make their tariff a fair one as between England and the most favoured nations which deal with Belgium.

MR. NEWDEGATE said, he entirely joined with the hon. Member for Bradford in urging upon the Government, that if any question was pending between this and foreign nations in relation to commercial treaties, or if there was any prospect of such treaties being contracted, the provisions of those treaties should be most carefully supervised, and that they should not be hurried so rapidly, as they were told by Earl Cowley, in his despatch of last year, that the provisions of the French Treaty had been; for in that case the official representative of this country in France had stated that he was unable to follow the details before the whole negotiation was completed. Every detail of a commercial treaty ought, on the contrary, to be well weighed, not only in reference to one or two interests to be affected by it, but in reference to all the interests of the country. It was only natural that he should take a different view of the operation of the French Treaty from that taken by the hon. Gentleman opposite. He scarcely thought that this question would have arisen, or he would have laid before the House details of suffering and distress, extending over two years, which had afflicted Coventry and the district adjoining—sufferings which had enlisted the benevolent consideration of Her Majesty, of many hon. Members of that House, and of the public, whom he sincerely thanked for their benevolence. It was very painful to see a prosperous trade struck down, and thousands of industrious men living from year to year upon the charity of the public. During several months of last winter 22,000 persons were depending for subsistence upon the bounty of the public. It was hoped that the pressure would cease, but for several months past as many as 14,000 had been so dependent, and were so still. It might be thought that the suffering was confined to the operative class; but of the manufacturers fifty out of eighty had been in the *Gazette*, that fifty not including those who had made compositions with their creditors. The number of houses now vacant in Coventry was 2,000, and the sum withdrawn from the deposits in the savings-banks for the last two years was £17,000. It would be needless to go into further illustrations of

that which was notorious throughout the country ; but why did he allude to those matters ? It was that that House might not sanction the infliction of such another sudden blow as had been inflicted with its permission by the late commercial treaty upon the trade of Coventry and the adjacent district. It was perfectly true that the trade both in this country, in France, in Switzerland, and on the Rhine might have been depressed by a change of fashion and the consequent slackness of demand for ribbons. But what was the effect, under those circumstances, upon us ? It was that, while the trade was depressed on the Rhine, in France, and in Switzerland, and when the demand of the United States of America was closed by the unhappy strife which prevailed in that once united republic, the whole of the supplies from France, from the Rhine, and from Switzerland, which could not find a market anywhere else, were pressed into the market of England, and the proof of that was the fact—he spoke from memory, but he knew that he was strictly accurate—that the quantity of ribands imported in the first eleven months of 1861—and that was the last account they had—exceeded by 60 to 70 per cent the quantity imported in the same months of the two preceding years. Taking the position of the watch and clock trade which prevailed in Coventry, the same circumstances to a great degree existed ; and he was sure that the House would feel that he was only doing his duty, when he saw the prospect of new commercial treaties being contracted between this and other countries, if he prayed the House to aid him in urging upon Her Majesty's Government that the important provisions of those treaties should be so well considered as to protect the trade of this country, whether in large or small departments, from such grievous evils as afflicted the district which he had the honour to represent.

MR. TURNER said, that he wished, as being connected with another district the centre of an extensive trade, to state that the same feelings as those which the hon. Gentleman had just expressed existed in the cotton districts of South Lancashire. They were suffering great distress, and they were not without grievous fear that before many months that distress would be greatly heightened. They did not wish, however, that the Government should interfere in that lamentable contest which

was going on between the States of America ; they wished those States to see the folly of their conduct, and to become amicably united once more, or, if not, to separate as friends ; but he thought that everything should be done by the Government of this country to alleviate the distress which prevailed in the cotton districts. They were pressed not only by the want of cotton, but by the want of demand for their manufactures. Their immense trade to India was interfered with by a monstrous import duty imposed upon cotton goods. While trying with the one hand to get cotton from India, the Government with the other were trying to prevent the best of that cotton from reaching this country. They themselves had imposed that duty, and they had allowed, or at least not much protested against, the imposition of grievous duties in their colonies on goods manufactured in this country. At all events, they had a right to expect that, in any negotiations with European nations with whom we were said to be on terms of amity, the Executive Government should see that justice was done to this country. France had obtained great advantages in Belgium, and was supposed to have done so in the Zollverein. Why should those advantages be withheld from this country ? No doubt, good diplomatists were sent out ; but good diplomatists were not always good commercial men. All they claimed was that men competent to the subject should be united with diplomatic men, and that commercial as well as political interests should be extended between foreign countries and Great Britain without any undue advantage being given to other countries more active in those negotiations than ourselves.

VISCOUNT PALMERSTON : Sir, in regard to the question put by my noble Friend (Lord A. Churchill) with respect to Dahomey and the slave trade on the coast of Africa, the House knows very well that measures for the suppression of that traffic have occupied the most anxious and active attention of Her Majesty's Government for a great number of years. My noble Friend probably knows that two missions have been sent out at different times to the late King of Dahomey for the purpose of endeavouring to persuade him to abandon that barbarous practice of human sacrifice, and to assist us in suppressing the slave trade. I am sorry to say that they were not attended with success. Per-

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sons, however anxious they may be for the attainment of their objects, must recollect what obstacles the passions and habits of mankind sometimes oppose even to the most beneficial reforms. This practice of human sacrifices has prevailed extensively over the whole of that part of Africa, and when you go to a barbarian (like the King of Dahomey for the time being) and ask him to forego these practices, to which he has attached a value as symbols of authority and power, and as being tokens of respect for those who have gone before him, it is just as if you had asked the ancient Romans to forego the murders which were committed in the amphitheatres, or were to ask the Spaniards of the present day to give up those bullfights which would disgust an Englishman, but which afford great delight to spectators in Spain. Mr. Duncan was sent some time ago to the King of Dahomey, and spent some days at his capital, and the account he gave was utterly disgusting. The palace was surrounded by a large and extensive wall, which was decorated with human skulls on spikes. He (Mr. Duncan) was compelled to be a witness to one of those human sacrifices, where the unhappy captives were put into things like canoes and thrown over a parapet from forty to fifty feet high; and if not killed by the fall, they were despatched by people standing below. Nothing was accomplished by the mission, and I very much doubt whether any persuasion would induce the present King of Dahomey, who seems, if possible, less imbued with feelings of humanity than his father, to abandon this practice. At the same time I can assure my noble Friend and the House that no opportunity will be lost which appears to Her Majesty's Government calculated to open an opportunity with the King of Dahomey for effecting our object.

With regard to the slave trade, I fear persuasion will not induce him, any more than other African chiefs, to abandon it. They will only be induced to abandon it when convinced that it would be more to their advantage and more easy for them to carry on legitimate trade. The fact is, that the chief derives greater profit from the slave trade, while the people under him derive more profit from legitimate trade. The occupation of Lagos has proved a great instrument in impeding the slave trade in that quarter. Arrangements have been made at Porto Nuovo and Badagry which have had the same effect; and if we could

shut up Whydah, which is the only other port through which the King of Dahomey can carry on the trade, we should have done much to drive the slave trade from that part of the coast. But, as stated by my noble Friend, the slave trade is carried on by Spaniards, Portuguese, and Brazilians; and, though their Governments have, as Governments, abandoned the practice of the slave trade, yet habits which are once engrained in a people are very difficult to be eradicated, and there will be found renegades who will take advantage of the facility which the habits of Africa give them to carry on the abominable traffic. At the same time much progress has been made, and my noble Friend is right in saying that, if this slave trade from the West Coast of Africa could be stopped, there are sources there of legitimate trade of infinite value, not only to that country itself, but to England and a great part of Europe. Cotton plants have been seen growing naturally, within a great zone, in great abundance, and shedding the cotton on the ground; and it is evident that this is a matter of great importance to the manufacturers of this country. I can assure my noble Friend that no exertions will be omitted on the part of the Government, first of all to endeavour to eradicate the abominable system of human sacrifice, and in the next place to put a stop, as far as possible, to the slave trade.

It is quite true that, owing to the civil war in America, the Federal Government has withdrawn the greater part of their cruisers from the coast of Africa, and I cannot say, offhand, whether there still remains that number of guns which the United States are bound by treaty to maintain on that coast for the suppression of the slave trade, but it is quite true that the Federal Government have shown a sincere desire to put in force their laws against the slave trade. The condemnations which have taken place at New York are a convincing proof of their sincerity, and it may be expected that when the present unfortunate dispute in America terminates, whether in the establishment of one or of two Governments, the American authorities will concur with Great Britain in some arrangement by which more effectual assistance may be given by American cruisers to check a crime which is a capital offence by the laws of the United States. With respect, therefore, to the African coast, I hope my noble

Friend will believe that we are anxious to carry out those views which he has so properly expressed.

With regard to the subject referred to by the hon. Member for Bradford (Mr. W. E. Forster), it will be satisfactory to him to be informed that negotiations are now going on between Her Majesty's Government and the Belgian Government, which are conducted in a most amicable and friendly spirit, and which I trust will terminate in a treaty giving to Great Britain the footing of the most friendly nation with respect to commerce with Belgium, and unaccompanied by any condition with respect to the other question of the communication or capitalization of the dues on the Scheldt. It is quite true, as has been stated, that England bore a very prominent part in those negotiations which resulted in establishing the independence of Belgium, and therefore if the Belgian nation were to form an exception to all national character, and to be inspired in its acts by a sense of gratitude, which, I am afraid, is not to be expected from collective bodies, they ought to have been anxious to give England every advantage possible, either equal or superior to those given to any other country. But one of our objects—and in that we succeeded—was to give to Belgium a national representation and a free constitution. Now, if you give to a people a free constitution, by which the passions and prejudices of the population are actively represented, you must make up your mind to endure inconveniences which national and local passions and prejudices are sure to entail; and this has been the case not only in Belgium, but in Portugal and Spain, where also greatly by the influence of the British Government constitutional institutions were established. We in this country were a long time before we were taught to believe that freedom of trade is an advantage to all parties concerned, and we clung for a lengthened period to the notion that protection to native industry, or particular branches of native industry, was a benefit to the country at large. Luckily, we have been undeceived; but the Belgians have not yet advanced so far in political education, and the Belgian Government have had to overcome great local prejudices and the resistance of particular interests in Belgium, and they pay us the compliment—for a compliment it is—of being much more afraid of competition with English industry than with French industry. Therefore they are more

easily led to extend to France indulgences which they would not be disposed equally to extend to England. But I trust that all difficulty on this score is over, and that by the treaty to be concluded we shall be put in all respects on the footing of the most favoured nation. With respect to the question of the Scheldt dues, I may observe that when the treaty was negotiated by which the independence of Belgium was acknowledged by the five great Powers, Austria, Russia, and Prussia most reluctantly agreed to the conclusion, and clung step by step, and point by point, throughout the long and tedious negotiation to everything that might be advantageous to Holland rather than to Belgium, and made a point that a toll should be levied on vessels passing through Dutch waters up to Antwerp. The object of this was to assert the territorial rights of Holland, and, no doubt, to put some check on the commercial prosperity of Belgium. This toll was to be levied at Terneuse, in the Dutch territory; but afterwards, by agreement between the Belgian and Dutch Governments, it was levied at Antwerp, in order that the vessels might not be stopped in their passage up the river. Subsequently, the Belgian Government, feeling sensible that this toll would operate as a discouragement to vessels going to Antwerp, threw by a law the payment of the whole of the toll on Belgium itself, and from that time vessels coming up to Antwerp were free from toll. That was a voluntary engagement on the part of Belgium, depending on a law passed by the Belgian Chambers, and liable to be revoked; and if revoked, and if, in consequence, Belgium ceased to take the payment on itself, the toll would be levied by Holland, and the nations to whom the vessels belonged would be subject to the inconvenience, whatever it may be, of the payment of the toll. However, it will be matter of negotiation, after the treaty of commerce is concluded, to deal with the question as between Belgium and Great Britain. But I can assure my hon. Friend that the Belgian Government have acted throughout with the greatest desire to do all that fairness and justice would require. As they have, however, to deal with a popular assembly, which represents, as all popular assemblies do, the passions and prejudices of the nation represented, they have had difficulties to encounter which would not have been felt in countries of a more despotic constitution.

It is said that the Foreign Office is not a department sufficiently well constituted to represent and give effect to the commercial interests of the country. Having had the honour of being in that Department for a long time, I can assure my hon. Friend that he is mistaken in that opinion. It is quite true that for information bearing on the commercial interests of the country the Foreign Office has to refer to the best authority—the Board of Trade; and the only result of creating in the Foreign Office a department of trade would be that the Foreign Office would then have to rely on an authority inferior to that which it now depends on. The Board of Trade is in constant communication with all the trading interests of the country, and is the depository of a vast mass of information in reference to them, and a department of trade in the Foreign Office would not have the same information, and the same means of giving advice, unless it established the same organization; and in that case there would be two similar departments—one perpetually employed in its general duties, and the other only occasionally consulted when a commercial treaty might be discussed. But the opinion of foreign nations is not at all that which has been stated this evening. Hon. Members think that the Foreign Office neglects the commercial interests of the country, and looks only to political objects. What, however, is the reproach made against England by foreign nations? It is that our political relations are conducted mainly with a view to our commercial interests. Foreign nations regard England as a selfish Power—a Power which looks only to its own trading advantages, and that is made a reproach against us.

I now come to the Zollverein. It is true that the duties imposed by the tariff of the Zollverein are very heavy, but what has been the feeling of Germany for some time past? It has been that England was advocating the principles of free trade for the purpose of ruining Germany, that our object was to inundate Germany with British commodities, and so to extinguish and destroy German industry in all its branches. Foreign nations have a notion that we give our commodities without taking anything in exchange; that we overwhelm them with presents, forgetting that they take nothing from us which they do not pay for by articles of their own production. They cannot see that trade is a system of barter, and that by admitting an unlimited supply

of British commodities they impose upon themselves the necessity of producing an equal value of commodities of some kind or other to pay for what they receive from us. Their apprehensions are perfectly chimerical, and are founded upon a narrow and short-sighted view of their real interests. Nevertheless, that fear has existed, though I trust it is now about to be dispelled. It is disappearing gradually, and the treaty we concluded with France will have a material effect in disabusing Europe upon that point. The hon. Member for Bradford (Mr. W. E. Forster) has paid a deserved compliment to the hon. Member for Rochdale—Mr. Cobden—I may name him as a Commissioner on that occasion and not as a Member of this House—for his invaluable services in the negotiation of the French treaty. I am glad to take this opportunity of saying, in justification of Her Majesty's Government, that it is not our fault, but arose from what I think is an overstrained and too refined delicacy of mind, that Mr. Cobden has not received for his services on that occasion some signal mark of the favour of the Crown. An honour was offered to him. He declined it, from motives which do him great credit; but, nevertheless, his refusal caused much regret to myself as the organ of communicating the pleasure of the Crown to him. I can assure my hon. Friends that the Government is not likely to fall into the error of neglecting the commercial interests of the country, and that the arrangement which now exists—by which, on the one hand, we have the Board of Trade full of all the requisite information for commercial negotiations, and, on the other, we have the Foreign Office in friendly and daily communication with that department—is, in my opinion, the best and indeed the only arrangement which, by division of labour, could produce any good results.

The hon. Member for North Warwickshire (Mr. Newdegate) lamented the fate of the Coventry riband weavers, and ascribed the distress which they have suffered to the French treaty. I believe my hon. Friend is entirely mistaken as to the cause of that distress, which arises chiefly, not from the French treaty, not from any inundation of French ribands, but from a change of fancy and fashion in this country. Our manufacturers are in one respect in the condition so well described in the well-known prologue—

“Hard is their lot who here by fortune placed
Must watch the wild vicissitudes of taste.”

It is the vicissitudes of taste which from time to time lead either to an increase or a cessation of demand for particular manufactures. The ladies, who exercise so great a sway in all human affairs, by changing their style of dress, inflict distress upon one set of manufacturers, or give abundant occupation to another. The Coventry riband makers are suffering from the absence of ribands upon the dresses of their fair countrywomen; but, on the other hand, the steel manufacturers of Sheffield are driving a flourishing trade in those implements of destruction which have become so fashionable of late. They have left off, by cessation of American demand, making some articles dangerous to human life, but they have taken to the manufacture of engines which, unfortunately, though not in an equal degree, are fatal in another way. It is not, then, the French Treaty which has caused the distress in Coventry. That distress arises from the conditions of human society, by which those persons who occupy themselves in the manufacture of luxuries are liable to have great employment in one year and less employment in another. I hope, Sir, I have been able to give satisfactory answers to the questions put to me, and, in conclusion, I can assure my hon. Friends that the commercial interests of the country will never be neglected by Her Majesty's Government.

ELECTION LAW AMENDMENT. QUESTION.

MR. DARBY GRIFFITH said, he wished to ask the Secretary of State for the Home Department, Whether he will name a day on which he would bring forward the Election Law Amendment Bill sufficiently early to secure a full opportunity of passing some Bill on that subject through both Houses of Parliament during the present Session?

SIR GEORGE GREY said, that having regard to the exigencies of public business, he was unable to name a day, but he would take care that it should be one sufficiently early to enable a full consideration to be given to the subject.

TRANSPORT OF TROOPS TO CANADA. RETURNS MOVED FOR.

COLONEL DUNNE said, he rose to ask the Secretary to the Admiralty whether troops had been sent to America in the vessels *Adelaide* and *Victoria*, which were

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lately nearly lost; and to move an Address for copy of any Report made by the commandant of the troops on board, the Admiralty agents at Cork, and the captains of these vessels; and further, to ask if either or both of these captains had retired or been removed from their command, and the reasons for such removal; and also to move for any correspondence between Major-General Lord Frederick Paulet and the War Office as to the *Adriatic* troop-ship conveying the Grenadier Guards to America, or any correspondence on the same subject with any Government department. He would first deal with the case of the *Victoria*. That vessel sailed from Cork on the 4th of January, with twenty-two officers and 505 men of the 96th Regiment on board. Before she left the harbour, indeed from the moment the regiment went aboard, she was found so leaky, and it was considered necessary to hurry her off so rapidly, that neither bedding nor rations were served out to the men until they were under weigh and sea-sick. The accoutrements and arms were not even hung up and stowed away, and they were, as well as the officers' cabins, completely wet through. During the first five days at sea she made some progress, but it then began to blow, and the defects of the ship were speedily discovered. It blew very hard, and the vessel pitched and rolled so much that the men on board were exposed to the danger of loss of limb and life, and were saturated with water. Neither with the aid of steam nor sail was she able to make head against the storm; she scarcely made twenty-four knots in twenty-four hours, while she fell forty-eight knots to leeward, though burning forty tons of coal in that period. The horses which she carried, belonging to the officers, and which he was informed they were obliged to take at their own risk, were destroyed. The spars of the ship, moreover, were snapped asunder, her life-boats were carried away, the long-boat stove in, the bridge torn up. She rolled so that neither tea, coffee, nor soup could be served to the men. Her sails were torn to pieces; and in short, she was exposed to all those disasters which attended a vessel not in a state to make head against a storm. Now, the question he wished to ask was, were twenty-two officers and 505 men, after all that had taken place, to be called upon again to embark in the same ship? He should also like to know whether the Admiralty agent who had inspect-

ed her when she put back, had or had not pronounced her to be unfit to cross the Atlantic? He was the more particular in desiring to have an answer to that inquiry, because it was currently reported that the captain and officers had expressed it to be their opinion that she could never perform the voyage except in fine weather. He might also add that he had been told the conduct of the captain and officers was beyond all praise, while it was said that the crew, with the exception of about six men, were not so efficient as they ought to be for the purpose of navigating the vessel. That which, however, he complained of most of all was, that a ship which had proved herself so unworthy of being trusted should be again sent out to sea. He, under these circumstances, trusted the noble Lord the Secretary to the Admiralty would furnish him with the Returns for which he asked, and would not refuse to produce them on the ground that they were of a confidential nature, so that the House might know whether the agent who had reported the ship to be fit for the transport of troops across the Atlantic had or had not been punished for making a false report. So far as the *Adelaide* was concerned, he understood that she was a sister ship to the *Victoria*; that she had been built for the Australian trade, and was never intended to contend against the storms of the North Atlantic. He was also led to believe that the price paid for the services of those ships for three months was very nearly equal to their value, while there prevailed an impression among ship-owners and naval men with whom he had had communications on the subject that they were totally unfit for the service on which they were engaged. As to the *Adelaide*, he need only say that, so far as he had ascertained, the disasters which had befallen her were nearly as great as those which the *Victoria* had encountered. The Government had assumed to themselves great credit for the promptitude with which they had despatched troops to Canada, but he did not think it was right they should obtain a greater amount of it than they were entitled to receive, and in the case of the *Parana* and the *Adriatic*, as well as of the vessels to which he had more especially called the attention of the House, complaints, he believed, had been made, owing to overcrowding and other causes; and it seemed that the Admiralty itself was not without some misgivings on the subject of the unfitness of these vessels to

encounter the storms of the North Atlantic Ocean, because he (Colonel Dunne) had heard that they were told to proceed to Madeira, thence to Bermuda, and thus to America, by which route they would be in less danger of storms which swept the Northern Ocean, but which would ensure to these regiments which had been so lately nearly lost, a residence on ship-board of at least six weeks' duration. Why could not the Government employ transports like the *Himalaya*, as he was informed she had performed the voyage to America in twelve days, and, it was said, had saved the country an enormous sum of money? He should like to know from the Government whether that was not so, and whether they were not in possession of Reports from Colonel Lord W. Paulet and other officers in which those complaints were embodied? He should not, however, enter further into the subject, but should content himself, while moving for the Returns, with the expression of a hope that the noble Lord the Secretary to the Admiralty would be able to contradict the statements, especially that with reference to the re-embarkation of the troops when no pressure for their immediate despatch existed, to which he had called his attention.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of any Report made by the Commandant of the Troops on board the vessels *Adelaide* and *Victoria*, the Admiralty Agents at Cork, and the Captains of those vessels; and also of any Correspondence between Major General Lord Frederick Paulett and the War Office as to the *Adriatic* troop-ship conveying the Grenadier Guards to America, or any Correspondence on the same subject with any Government Department,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD CLARENCE PAGET said, he was willing to admit that if the rumours to which the hon. and gallant Gentleman alluded were in general circulation—a fact of which he was not aware—he had done perfectly right in bringing them under the notice of the House. He must, however, demur to the production of confidential reports of officers to the War Office and the Admiralty with regard to transports. Those two departments encouraged all their officers and agents, and also the military officers on board such vessels, to find fault with them whenever they had occasion to

do so, and he felt assured that if the reports which were in consequence sent in were made public the Government would not receive that full, frank, and free information which it was desirable they should possess. So far as the official report—that was to say, the report of the Admiralty officer as to the fitness of those vessels for the service imposed on them—was concerned, he would have no objection to lay it on the table in the cases both of the *Adelaide* and *Victoria*. That the troops on board those vessels had been subjected to very great inconvenience and discomfort he was not prepared to deny, but then it should be borne in mind that all the reports on the subject received by the Admiralty concurred in pronouncing the gale with which they had to contend as a perfect hurricane. Indeed—as the hon. and gallant Gentleman must be well aware—bad weather must in the month of January be expected to await vessels crossing the North Atlantic by the Northern passage, and that which the *Victoria* and *Adelaide* encountered was, he believed, more than usually severe. The hon. and gallant Gentleman, however, seemed to maintain that those ships were utterly unfit to cope with the storms of the Atlantic, but he must not forget that they had been employed in conveying troops to China, a circumstance which in itself showed that they might not unfairly be deemed capable of successfully contending with the weather which they would be likely to meet in going to the coast of America. The *Adelaide*, he might add, left Queenstown on the 4th of January, and put back on the 24th, not because she was leaky or deemed unseaworthy, but because she had been so unfortunate as to have the lid carried off one of her cylinders. When she came back to Devonport, she had been set thoroughly to rights in the dockyard; and from a report which, if the hon. and gallant Colonel would like to move for it, he should be happy to produce, it would be found that, having been tried in bad weather outside the Eddystone, she had been pronounced by the dockyard officers to be perfectly fit for sea. As to the *Victoria*, he had to state that she had left Queenstown on the 6th of January, and that she had put back. The cause, however, of her having put back was that she had attempted to force a passage against a tremendous gale, and had consumed so much coal that there was no prospect of her being able to make the voyage in any

Lord Clarence Paget

reasonable time. It was quite true that many of the officers referred to were very good sailors, and could give a very fair opinion as to the qualities of vessels, but his gallant Friend would admit that the Admiralty authorities were the proper parties to judge as to the fitness of ships. He had carefully read the reports both of Admiral Smart at Queenstown and of Sir Thomas Pasley at Devonport, and there could be no doubt that both vessels inspected by them were perfectly fit to undertake the voyage; and it was only because there was now not so much occasion for haste that they were directed to take what is called the Southern passage, having permission to touch at Bermuda only in the event of their coal falling short. His hon. and gallant Friend had referred to a report of Lord Frederick Paulett with regard to the *Adriatic*. That gallant officer had stated, undoubtedly, that there was not full accommodation for the troops in the *Adriatic*, but that was to be attributed in great measure to the haste with which the internal arrangements had been completed. He could assure his gallant Friend that the complaints of Lord Frederick Paulett had reference to matters of detail of no very great importance; and the upshot of all was, that he could confidently state that the gallant soldiers now on board the *Adelaide* and *Victoria* were embarked in thoroughly good vessels, and incurred no further risk than any men crossing the Atlantic at this time of year. He should be happy to give the returns sought, relative to the fitness of these vessels. It was true that both the captains had left the vessels, but of course the Admiralty had nothing to do with their removal. That depended upon the owners, and they had a report from the owners stating that one of the captains had left his vessel from private circumstances, which had no reference to the vessel itself, and the other left from ill-health, having been suffering for some time, and being therefore quite unfit to go on that voyage. He was not aware that any censure had been passed on the agent.

MR. G. W. BENTINCK said, there was one part of the noble Lord's answer which he did not quite understand—namely, that in which a distinction was attempted to be drawn between the propriety of laying on the table reports of the performances of these vessels, and what were called confidential Reports. It appeared to him (Mr. Bentinck) that when, as in the pre-

sent case, the object was to ascertain the fitness of transports, all Reports ought to be given to the House which it was in the power of the Government to furnish. It was perfectly true that there would always be storms in the Atlantic in the month of January, but the question was, whether it was not desirable, both on the score of economy and for the safety of the troops, that we should have a larger number of troop-ships in commission, which would always serve as a school for seamen, and which might be employed as transports, rather than incur the enormous cost of hiring transports. He would revert for a moment to another subject. His attention had been called by his hon. Friend the Member for North Warwickshire (Mr. Newdegate) to what had fallen that evening from the noble Lord at the head of the Government respecting the distress at Coventry. The noble Lord, with his usual hilarity of spirits, had attributed that distress to a change of fashion on the part of the ladies with reference to the patterns of ribands. But the figures which he (Mr. Bentinck) held in his hand would tend to show that the noble Lord was mistaken on that subject, and that the distress in Coventry was solely attributable to the operation of the commercial Treaty with France. In 1860, before the treaty came into active operation, the number of pounds of ribands imported was 442,000; and in 1861, when the treaty was in full operation, the number of pounds imported was 746,000; in other words, there was an increased importation of ribands to the extent of 70 per cent. That was the real cause of the distress at Coventry, and it could only be ascribed to the operation of the commercial treaty. He would remind the noble Lord of another fact; not only was there no duty on the importation of French ribands, but there was a duty on the import into France of ribands from this country. That duty, to be sure, was only a small one, but France retained the power of increasing it at pleasure. Yet that was called free trade.

SIR GEORGE LEWIS: I wish to state that the part of the hon. and gallant Member's Motion which relates to the correspondence between Major-General Lord F. Paulett and the War Office as to the *Adriatic* is nugatory, inasmuch, as no such correspondence exists. It is the practice for commanding officers who go out in transports to address to the Admiralty any confidential letter they may

think expedient with respect to the accommodation of the troops, and the practice manifestly tends to the advantage of the troops; because there may be matters which the Admiralty has it in its power to correct, which are, nevertheless, not of sufficient importance to be made the subject of a public despatch. Now, if the House thinks it right to call for confidential letters of this kind, the obvious result will be that they will not be written. No doubt, they may call for this particular letter, but it will be the last that will ever be written. The practice will cease, for it only exists on the faith that Parliament will not call for the production of private documents of this kind, written in the expectation that they will be treated as confidential. I hope, therefore, the House will respect the practice which has grown up, for the convenience and advantage of the troops, and that my noble Friend will not think it his duty to concede that part of the Motion.

COLONEL DUNNE differed from the noble Lord and his colleague as to the propriety of withholding reports of complaints because they were deemed confidential, while he was sure no officer making them would shrink from their publication. On the contrary, he felt assured that more reports would be made by officers if they were made public, for in that case they might expect to obtain redress. If they did not wish publicity, why was he furnished with the information which he now brought before the House? At the same time, after the statements which had been made, and the refusal of the noble Lord and the Secretary at War to give the papers he moved for, and consent only to give the Reports of the Admiralty agents as to the state of the vessels when they last sailed, he would not press his motion, because he put no faith in the reports of men who must have deceived the Admiralty on the state of these ships when proceeding on their first voyage. If the noble Lord pledged his professional reputation and word that he was convinced that these vessels were in a fit state to carry out Her Majesty's regiments, and to risk the lives of so many brave men in them, he would himself prefer the word of his noble Friend to that of these Admiralty agents, and he thought the public would do so likewise.

LORD CLARENCE PAGET assented to do so.

Amendment, by leave, *withdrawn*.

ARMY MEDICAL DEPARTMENT—COM-
PETITION OF COLOURED PERSONS—
THE ARMY—(INDIA).—QUESTIONS.

COLONEL SYKES stated, that with a view to afford explanations of his motives for putting the questions, he had intended they should appear upon the paper on the motion for going into Committee of Supply; but, inadvertently, they were printed amongst the ordinary questions of the day, and he was disabled by the forms of the House from giving explanations. He now, therefore, begged to repeat his questions, Whether Her Majesty's subjects in India, and coloured British subjects in Canada and the Colonies, would be allowed to compete; why 1,824 recruits, for the Bengal Presidency alone, were sent out at the end of last year, the fixed establishment of European troops of all arms for India—namely, 71,000 men—being at the time exceeded by 9,770 men; and why the Queen's Bays, ordered home from India, were stopped at Cawnpore on their march to embark for England? The reason alleged last Session, as stated by the Secretary for War, for refusing to allow natives of India to compete for medical commissions in the Royal army was, that their constitutions would not bear exposure in northern climates. But admitting this to be the fact, which it was not, there was always an army of 200,000 men in India, Europeans and Natives; and if it had been desired to give natives of India the full rights of British subjects, provision could always have been made for any number of coloured medical men in India. But the argument of birth failed entirely with respect to coloured British subjects in Canada. There were at least 10,000 coloured persons, either born in Africa or descended from fugitive slaves, who had formed communities in Upper Canada, and passed unscathed many Canadian winters: many of them had gone through the curriculum of the Toronto University and become members of the liberal professions, and in London the year before last, at the meeting of the International Statistical Association, a Dr. Delany, a pure negro, took a distinguished part. The inference, therefore, was that a lamentable prejudice against colour deprived one class of British subjects of their rights. But if the colour of the skin were to exclude, what shade was to be the standard—black, yellow, brown, or whitey-brown? With respect to sending to India

European recruits unnecessarily, as the European force in India already exceeded the fixed establishment, he must remind the House that it was stated in the Calcutta papers that the European force cost £110 per head per annum, while a veteran sepoy cost only £10. Since 1857 the native army of 232,224 has been reduced by 121,824, saving therefore, at £10 per head, £1,218,240; but the European troops are now in excess of the strength of 1857 by 27,778, and the increased charge therefore is £3,055,580; and Mr. Laing had stated to the Chamber of Commerce, at Calcutta, that he could not diminish taxation while the military charges continued at their present amount. With respect to the Queen's Bays he would simply ask why they were not permitted to return to England?

SIR CHARLES WOOD: I am very glad that my hon. and gallant friend has put these questions to me. He implies rather than makes a charge against the Home Government, which has been made directly against us elsewhere, and it gives me an opportunity of stating what has been the conduct of the Home Government and of removing a fallacious impression which I know prevails with regard to it. I will not enter into a discussion as to what should be the European force in India, further than to remark that an overgrown Native army has cost the finances of India much more than the sum of £10 per man, which my hon. and gallant Friend calculates as the cost of a Native soldier. I think, therefore, that the Indian Government, with the entire concurrence of the Government at home, and of every man of sense, both here and on the spot, wisely determined upon reducing, very largely, the Native army and maintaining such a force of European troops in India as will insure us, as far as human precautions can insure us, against a recurrence of such a calamity as, unhappily, we have had to deplore. The charge is that we have forced upon India a larger number of European troops than the authorities of India thought necessary, and thereby thrown upon the finances of India a burden which ought not to have been imposed. I might content myself by simply stating that the charge is totally incorrect, and that it is not true that the fixed establishment of troops in India is exceeded by 9,000 men. But I do not think I should do justice if I did not state rather more fully what the conduct of the Government in India and of the Go-

vernment at home has been, and how far the charge made is foreign to the truth. I quite admit that the amount of European force in India must entirely depend upon Indian considerations, and that there is no justification for saddling upon India a larger force than is necessary for the safety and protection of the country. The immediate charge against the Home Government is that we sent out last summer a larger number of recruits than was necessary, and thereby imposed an unnecessary burden upon the Indian finances. In the summer of 1860 the Government of India sent home an estimate that the force required would be 92,000 men. The Home Government thought it excessive, and I took upon myself materially to reduce it. The Military Committee of the Indian Council had reported that in their opinion the force ought to be 80,000 men. I could not pretend to give orders on my own authority in opposition to the opinion of the Government in India, and of persons who were far better acquainted with the position of India than myself; but I did suggest privately to Lord Canning that he might reduce the number to a little above 70,000 men, and the number which I recommended to him as quite sufficient was 73,000. The whole question was brought under the consideration of the Home Government in the summer and autumn of 1860, when, in consequence of the conversion of the local forces into regiments of the line, we had to determine how many regiments should be formed in the Queen's army out of the local troops. In the spring of 1861 we had to determine what number of recruits should be sent to India. The House is aware that recruits are only sent out once a year—in June or July—in order that they may arrive at the commencement of the cold season. In 1861 the Home Government took upon themselves to reduce the establishment of Queen's regiments in India from 1,000 to 850 men, and the dépôts in this country nearly one-half. A calculation was made in the India Office as to the number of recruits which ought to be sent out. We took the number of men in India according to the last return, and such a number of recruits was to be sent out as with a fair allowance for casualties would keep up the regiments to the reduced strength. The calculation was made in the spring of 1861, and the second arrival of recruits would be twenty months afterwards. The rate of casualties

in Indian regiments, including men who have served their time, is 10 per cent; and as twenty months would elapse without any fresh supply, recruits were to be sent to make up the number of the regiments to 15 per cent above the reduced strength; but where the regiments were more than 15 per cent above the reduced strength, no recruits were to be sent. There were and there are regiments which are above 15 per cent beyond the reduced strength, but any one will see that it could not be desirable to discharge men and send them home, and that it was far better to leave the reduction to be effected gradually by casualties. That was the principle upon which the calculation was made; but we did not send anything like the number of men which we should have been justified in sending upon that basis. It was only in the month of June, 1861, that a general estimate was sent from India, showing that a less number of men would be required. We were not in possession of it when the recruits were sent out, and therefore, when I show, as I shall, that we kept the number below the calculation even for this less number, I shall prove more than is needed to justify the Government in the course which they pursued. The recruiting had been carried on on the basis of the previous establishment; but when we had to send out a body of men proportioned to the reduced establishment there was a considerable number of men who had been recruited for Indian regiments whom we did not send out. These men were thrown upon the home Government, to their great inconvenience. In June, 1861, the Government of India, which may be regarded as the best authority on such a question, sent home a proposal that the strength of the army in India should be 73,577—that is to say, their estimate in that year was within 500 of the suggestion I had made the year before. The casualties in India are 10 per cent per annum. If, therefore, we had sent out such a number as would have maintained to the end of the year the force which the Government of India requires, we should have despatched upon their reduced estimate (which, however, we had not then received) 7,300. The *minimum* number we were justified in sending out on their estimate was 5 per cent on the strength required, or 3,650, which would have kept up the average strength throughout the year. The number we actually did send was 2,844, or, in

other words, 800 less than the *minimum* necessary to maintain the average strength on the reduced demand. Can it then be said that we have so overdone the sending out recruits that there are a great many more men in India than the Government require? On the 1st of October in Bengal, and the 1st of November in Madras and Bombay, the total number of European troops in India was 73,286. If the recruits had arrived, the number in India was below the requirements of the Government of India. But I will assume that they had not arrived; that is the view most unfavourable to my argument. If we add the 5 per cent (or 3,650 men) for the numbers we ought, at the least, to have sent out, that brings the total up to 76,936. The numbers of the actual force on the 1st of December, as near as I can ascertain, were 74,015, or nearly 3,000 below the number required, with the proper allowance to make up casualties, according to the calculation of the Indian Government. 1,000 Artillery recruits were despatched later than the others, and it is possible they may not have arrived; but, after deducting them, there is still a deficiency of 2,000. The House will, therefore, see how groundless is the assertion that the proper strength of the Indian army has been exceeded by 9,000 men. The hon. and gallant Gentleman states, I do not know on what authority, the fixed establishment of European troops in India at 71,000 men. I will assume, for the sake of argument, that his figures are correct. Ten per cent on that number would be 7,100, the addition of which would raise the strength to 78,100. An addition at the rate of 5 per cent, or 3,550, would make the total number 74,550. But we sent out only 2,844, instead of 3,550; and, while the actual strength ought to be 74,550, it is only 74,015. I think I have shown completely that the Indian Government has asked for more men than we have given them; that even on the reduced establishment we have not sent out a sufficient number to keep it up; and that from the first the Home Government has been far below the Indian Government in its estimate of the force required to maintain British power in India. Then, so far from the finances of this country having been relieved at the expense of India, to a small extent the reverse has happened, for we have had to take, on the charge of this country, a number of men whom the Indian Government threw upon our hands.

Sir Charles Wood

As to the other questions of my hon. and gallant Friend, I would observe that in 1858 the Government of India made a calculation of the force required for the garrisons of that country, and that after two years' consideration they adhered to their former estimate, Lord Canning, however, differing from Lord Clyde, in thinking a large force necessary. The Cavalry force they then requested for Bengal was ten local and three Queen's regiments, with an aggregate strength of 6,600, two regiments for Madras, and two for Bombay. The Home Government, after communicating with the Secretary for War, the Commander-in-Chief, and the military Members of the Indian Council, determined to allow for Bengal only eight instead of thirteen regiments, with a strength of 5,000 men instead of 6,600, to be further reduced on the new establishment to 4,000. There were at the time in Bengal four Queen's regiments and five local regiments, to be made into three; in Madras two, and in Bombay three regiments. In order to provide the required force for Bengal the Home Government proposed to retain the four Queen's regiments which were already stationed there, and the three regiments to be formed out of the locals, and one regiment to transfer from Bombay. The Bengal Government, however, declined to receive the regiment from Bombay. We took one regiment of cavalry on the Home establishment more than we calculated on; and the force in Bengal was thus reduced to seven regiments. Recently they have determined that they only want six regiments, and proposed to send the Queen's Bays home. They intended to keep the new regiments which had been made out of the locals, and to send home one of the old English regiments which was not wanted at home, and would have to be reduced if it came here. It seemed to us hard that an old regiment should thus be sacrificed to a new one which had never seen any service. We wrote out, "We are not prepared to say that a single regiment shall be retained in India which you do not think necessary, but we cannot receive more cavalry regiments at home, because we do not want them. If you have made up your minds that six regiments are all that are required in Bengal, instead of thirteen for which you asked, or eight which we sanctioned, you may reduce the youngest regiment,"—that being the universal practice in the Queen's service.

"Therefore," we said, "don't send home the Queen's Bays, but if you think it safe that six regiments only should be retained in Bengal, the last and youngest regiment must be reduced, and you have our authority to reduce it." I hope, therefore, that I have satisfied my hon. and gallant Friend and other hon. Members that the Government are not responsible for imposing any unnecessary military charge upon India; but that, on the contrary, we have done our utmost to keep that charge as low as possible.

NATIONAL EDUCATION (IRELAND). APPOINTMENT OF SUB-INSPECTORS.

MR. HENNESSY hoped that the House would allow him to call the attention of the right hon. Gentleman the Chief Secretary for Ireland to a matter of some importance and urgency. Within the last day or two an advertisement had appeared in all the principal Irish newspapers, stating that the Commissioners of National Education in Ireland were about to nominate four candidates to compete by examination for a vacant place in the class of sub-inspectors of national schools, and adding that none but members of the Roman Catholic Church "are eligible to compete for the present vacancy." Now, as a friend and admirer of competitive examinations, he objected to this introduction of sectarian questions into the Civil Service examinations. They had been told that the national system in Ireland was established to bring men together regardless of their religious opinions; yet here was an attempt to nominate exclusively Roman Catholic Inspectors. He could hardly believe that the Secretary for Ireland was the author of the change proposed. He rather attributed it to the traditions of the Irish Office and the Irish Government, who endeavoured to become popular by holding out, he would not say bribes, but inducements to a class in the shape of Government appointments. A striking instance of this had recently occurred in the appointment to a seat at the Education Board of Lord Dunraven, who had always doubted the policy of the system of National Education in Ireland, but who had accepted the office without changing his opinions, and was now protesting against the policy of the Chief Secretary as to mixed education. Against the conduct of the National Commissioners, he (Mr. Hennessy) ventured to protest, and he trusted that through the intervention of

the Chief Secretary they would be compelled to rescind the Order to which he had called attention.

MR. VANCE thought the hon. Member for the King's County deserved credit for bringing this subject, though a Roman Catholic, under the notice of the House. He trusted that the right hon. Baronet the Chief Secretary for Ireland would not, as an *ex officio* Commissioner of the National Education Board, consider it necessary to defend all the acts of that Board. Lord Derby was the author of the National Education system in Ireland, but it had been so altered since the period of its first introduction that the noble Lord could now hardly recognise his own bantling. The Board consisted of twenty members, every one of whom was a strong supporter of the principles of the present Government. The right hon. Baronet the Chief Secretary for Ireland was not, however, responsible for that state of things, as all those gentlemen had received their appointments before his accession to office. The constitution and the administration of the Board were condemned by the universal voice of public opinion in Ireland. He believed that there was not one member of the Board who had ever been distinguished in any literary capacity, or by his devotion to the education of youth. The members of the Established Church in Ireland had special reasons for complaining of the constitution of the Board, for out of the twenty Members only six were of that religious persuasion. He hoped the constitution of the Board would be altered, and the recurrence of such an event prevented, as had been brought under their notice by the hon. Member for the King's County.

SIR ROBERT PEEL complained, that this subject had been introduced without notice, and admitted that he was not in a position to answer the hon. Gentleman categorically. He could state, however, that he was not an *ex officio* member of the Board of National Education, that the Board was an entirely independent body, and that the Government had no control, direct or indirect, over its proceedings. With respect to the point which had been raised by his hon. Friend, he could only state upon that occasion that he believed it was the practice that there should be among the Inspectors under the Board a certain proportion of Roman Catholics, of Churchmen, and of Presbyterians; and if vacancies had occurred among the Roman Catholic Inspectors, he saw nothing extra-

ordinary in the notice that had been given. He could not, however, upon that occasion offer any precise information in reference to the special case which had been brought under their notice, and he could only give a pledge that he would take care to make it the subject of inquiry.

MR. HENNESSY: The advertisement says that any person can compete, with this proviso, that no one can do so except Roman Catholics.

SIR ROBERT PEEL: I will inquire into the subject, and let the hon. Gentleman know the result.

Main Question put, and *agreed to*.

Supply *considered* in Committee.

Committee report Progress; to sit again on *Monday* next.

HIGHWAYS BILL.—SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed.

“That the Bill be now read a second time.”

MR. BARROW, in rising to move that the Bill be read a second time that day six months, expressed his surprise that no strong grounds had been given to the House for such an extraordinary interference with the rights of property. Before taking away from the owners and occupiers of property the right of managing their own affairs, it ought to be shown that they had so grievously neglected their duties as to deserve this severe punishment. The Bill was uncalled for and unnecessary. For several years similar Bills had been submitted to Parliament, but scarcely a single petition had been presented in favour of them, while, on the other hand, there had been a large number of petitions, from large and small parishes, presented against them. What the parishes ask was that they may be permitted to manage their own affairs in the most economical way they could. He objected to the Bill, because it was an extension of that principle of centralization and bureaucracy to which the people of this country were so much opposed, and he felt sure that if that system were pushed much further they would not remain so patient as many hon. Gentlemen seemed to anticipate. The exercise of the right of parishes to meet in vestry and manage their own affairs was essential to fostering a spirit of independence in the people, and ought not to be interfered with. The Bill, he believed, would not effect the object which it professed to aim at. He would remind the House that the principle

of connecting parishes into districts for the more convenient repair of their roads had been in existence for a great many years. Parishes already had the power, under the 5 & 6 *Will.* IV., so to accumulate themselves into districts. If this could be done with advantage, he had not so mean an opinion of his countrymen as to think they would not have availed themselves of this power; but the fact that that Act had not been carried out showed that this Bill was entirely uncalled for. He was informed that the power had been used in only one county—the instances, at any rate, were very few. The only argument used for the Bill—that the repair of the roads under the present system was everybody's business, and therefore nobody's business—was a very weak one. If it could be shown that the powers of the present law had not been put into force, or that its provisions had been found inefficient and imperfect, there would have been some reason for an application for a change; but, even then, the change ought to have been made in a different manner from this extreme provision for confiscating the rights of property. He believed that many hon. Members were not aware of the present condition of the law upon this subject. It was this—every parish met in vestry once a year, and elected an officer to perform the duty of seeing to the repairs of the roads—they appointed their own surveyor for their own parish, to look after their own expenditure. If the roads were not kept in proper repair, anybody might go to any justice of the peace and get a summons against the surveyor under whose care they were; the charge, however, must be heard before the justices at special sessions for the highways. The justices might then either inspect the roads themselves, or send a competent person to view them; and if his report were that the roads were not properly kept, they might fine the surveyor for neglect, and make an order for the repair. A preliminary inquiry had to be made whether the parish admitted that the highway, the non-repair of which was complained of, was within their limits. They might deny it altogether, or defend themselves by stating that some private person was liable to repair *ratione tenuræ*. In case they disputed their liability, the question would be raised by indictment at the next assizes; and the House, he thought, would hardly be in a hurry to deprive them of the privilege of having the question determined

Sir Robert Peel

before a judicial tribunal by the verdict of a jury. It was difficult to master the extremely complicated details of the Bill, which had been in the hands of Members little more than twenty-four hours; for, instead of stating precisely what its object was, there were references to innumerable Acts of Parliament. But if it did not take away this privilege from the parishes, at least it threw great difficulties in the way of its exercise. If the liability of the parish were not disputed, the magistrates, having satisfied themselves that the road was really out of repair, had the power of fining the surveyor £5, of ordering him to repair the road immediately, and in default might inflict a further forfeiture of a sum sufficient to put the road in repair. Nothing was easier under the present law than for a person to procure a summons, and have any grievance redressed. The surveyor is to keep a weekly account of his receipts and expenditure, and his account is to be at all reasonable times open to the inspection of any ratepayer without fee or reward. At the end of the year the surveyor must lay his accounts before the vestry, and before the justices of the peace at the special sessions for the highways; and the justices are required to examine him as to the truth of the accounts, and to hear any complaints against them. From personal experience, he could testify to the simplicity and satisfactory nature of the process. If the decision of the justices at petty sessions gave dissatisfaction, an appeal lay to the whole body at quarter sessions. It seemed strange that alteration should be needed in a system so simple as this; and if change was required, it certainly was not in the direction of an extension of taxation without responsibility. But if difficulty was experienced in getting roads repaired under the present law, he wanted to know what would be the case under the new Bill? All the duties, liabilities, and responsibilities of the surveyors, were to be transferred to the new District Boards; but he looked in vain for any provisions by which these Boards could be compelled to repair. One clause in the Bill expressly repealed the penalty leviable on the surveyor for neglect of duty; and another clause declared that no member of the Board should be responsible in any shape or way. If the object of the Bill were to secure the better repair of the roads, would hon. Gentlemen be good enough to point out the clauses in which compulsory powers were given? The pub-

lic ought also to know something of the way in which waywardens were dealt with. They got no gratuity whatever, but were liable to a penalty of not more than £5 or less than £1 for every meeting of the Board they failed to attend, although the meetings might be held at five, six, or ten miles from their own residence. It might be supposed that under the new law, which gave to the minority uncontrolled dominion over the property of the majority, great care would be exercised with regard to financial operations. But the new Bill proposed that, instead of producing their books annually, the Board should audit their own accounts; they were not to produce them anywhere, or to subject them to any examination, beyond publishing a copy in one of the county newspapers, and sending another copy to the Secretary of State, who would lay an abstract of them before Parliament. Supposing that one of his constituents had reason to complain of gross jobbery on the part of the Board—and Boards were liable now and then to gross jobbery, the only remedy would probably be to request him to move in Parliament for a copy of the account *in extenso*, in order that he might point out some item peculiarly open to objection. This would furnish employment to Members on Fridays, when they were at liberty to bring forward grievances. Unfortunately, they usually did so to empty benches, and it was not difficult to foresee the result of a discussion raised on a local highway grievance. In conclusion, he had to express his hope that the House would reject the Bill; and he begged to move that it be read a second time that day six months.

Mr. HODGKINSON, in seconding the Motion, said, that when this subject was before the House two Sessions ago he ventured to state his objections to the Bill then brought in by the Government, many of which he perceived to be continued in the present Bill. He should not, therefore, trouble them with a repetition of his opinions in detail, especially as he had not seen any reason to change his mind since that time. He was free to admit that some objectionable features of the former Bill were not to be found in the present; but still he believed there was fault sufficient to be found with the measure now before the House. He could corroborate what had been said by the hon. Member who moved the Amendment as to the feeling which existed against

this Bill on the part of the constituencies of the country. Indeed, the matter was placed beyond a doubt by the number of petitions which had been presented during the last and the preceding Session against the Bills now before the House. The question was not whether the roads and highways of this country were in as good a state as they could wish them to be. Neither was it one as to whether the parsimony sometimes displayed on this subject was economy or not. He quite admitted that it would be desirable to have our highways in a better state, even though that object were to be accomplished by an increased expenditure; but he denied that the remedy was to be found in legislation such as that proposed by this Bill. It was contrary to all experience to find a divided responsibility—or, he should rather say, irresponsibility—in public Boards result in an efficient management of the duties intrusted to their charge. He regretted that the right hon. Baronet (Sir George Grey) had not made an explanatory statement in moving the second reading, for, under present circumstances, the House was rather left to guess at the arguments by which they were called on to support it. On all former occasions they had the Boards of South Wales paraded before them. In a Committee on which he served last Session he had an opportunity of hearing something of roads in South Wales; and what was stated showed that they were in anything but a satisfactory state, and that there was anything but a unanimous opinion that these Welsh Boards were successful. Besides this, the case of the Welsh roads had always been treated as an exceptional one. Then they had been told to look at the turnpike roads of England. He had taken the trouble to look into the expense of the turnpike system. He was perfectly astonished at the cost; and he had arrived at the conclusion that the system was utterly inapplicable to the highways of this country. The district plan had also been recommended to them; but the fact that the districts formed in the early stages of the working of the present law had not been adopted as a model, was sufficient to show that the district system had not answered. He hoped the House would pause before they destroyed a system which was theoretically right because it was said to have been badly administered. Had it in reality been badly administered through the fault of those intrusted with its administration?

Mr. Hodgkinson

Within a comparatively short time after the present Act came into operation there was a tremendous onslaught made on it by the authorities of the Home Office, and from that time to the present these attacks had been continued. Could it be wondered at, under such a state of things, that the law had not been well carried out? What set of men were likely to incur the odium of putting a large expense on a parish when there was good reason for supposing that the law was about to be altered? It would be as reasonable to expect improvements by an agricultural tenant who was kept under a perpetual notice to quit. But assuming that the present system would not work satisfactorily as it stood, would it not be much wiser to add a plan of supervision instead of deparochializing the system? An inspector might be appointed to look after the highways, and to advise the road surveyors in case of neglect. If his advice was not attended to, he might be afforded the means of compelling the fulfilment of his requirements by appeal to a magistrate. The accounts might be audited by such inspector or by the present auditor of Poor Law accounts. By the 37th clause of the Bill now before the House justices of the peace would have power to perform judicial functions with respect to cases in which they had acted as waywardens. That was a very objectionable principle, and one repugnant to English usage. This was not so much a question of good roads as preferable to bad; the great question was, whether they would annihilate their present parochial system, and take one step more in the policy of centralization that was diametrically opposed to the spirit of the Constitution, and the feelings and inclinations of the country. He seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. BASS said, that, as a resident in the country and conversant with country matters, he must say that his experience of the condition of the highways brought him to a conclusion the very opposite of those stated by the hon. Members who had spoken on each side of him. The parish roads were mostly in very bad condition; and he had never found an overseer or waywarden, as he was called, who knew more of making a high road than he knew of the way to the moon. He knew the

hon. Member for Nottinghamshire represented the opinions of his constituents, but on this subject he doubted if he represented their interests, for he knew that in his hon. Friend's county, as well as in his own, the roads were generally in a very bad state, and he was convinced that the change proposed by the Bill would not only greatly improve the roads, but at the same time materially reduce the rates. He would take the liberty of mentioning the case in which he had found himself. Some time ago he occupied 400 acres of land; it was in four different parishes, and there were four overseers of the roads. It was difficult to find out who they were, for the most intelligent farmers would not accept the office, and it was generally taken by the smaller occupiers. In one of these parishes a bridge was destroyed—swept away by a torrent. It was rebuilt; but, in the first place it was constructed diagonally to the stream, instead of straight across it; and the work was so imperfect that it had to be done over again. Such instances were occurring every day. Only last week he had been compelled to threaten an indictment to obtain the repair of a piece of road that could not be passed without danger to the carriage and passengers. It was true that, to escape the indictment, the repairs were made. Yes, but consider the difference between a high road in an indictable condition, and one in good repair. The subject had excited more interest than he had supposed; and of this they might be certain, that without some change in the persons charged with the duty of overseers it would be impossible to keep the roads in good repair, or secure an economical and effective system of management.

COLONEL BARTTELOT thought, that whether the high roads of the country were in a proper state of repair or not, was a very important question. There were many parts of England where the old parochial system had been well carried out, and where the roads were still in a good state of repair; but it would be found that this was where enterprising landlords and tenants had expended capital on the land, and they had taken care that the roads so necessary to their welfare and comfort should be properly attended to. But what was the state of the roads in districts where farming was backward, under small holders and needy landlords? In some of these districts the repair of the high roads had been lamentably neglected. The

question for the House to consider was, whether the repair of these high roads was not an important object, and whether the present Bill was a measure that met the case. He thought that, with some alterations and amendments in Committee, the Bill might be so framed as to be made a very useful measure. In the poorer districts, where the repair of the roads had not been carried out, there it would be found that, by a want of management, persons not qualified had been employed in the work, and that material had been carted on to the roads at improper seasons of the year. Where the amount of the highway-rate was worked out by the farmers, when the team could not be employed on the farm it was sent to work on the roads; and probably the amount of a shilling in damage was done for every eighteenpence spent in carting stone at that time. He did not think he overstated the case in setting down one-third of the roads throughout the country as in good repair, one-third in a moderately good condition, and one-third in a decidedly bad state. He gave every credit to those efficient waywardens who had done their duty well and honestly; but, taking the whole of the country into consideration, he thought something more must be done. The question was, would the Bill effect that object? It had been stated that there was already an Act under which parishes might be amalgamated together, and a paid surveyor of the roads appointed. In the few cases he knew of a paid surveyor having been so employed the system had worked admirably; the highway rates that had risen to 2s. 6d. in the pound had, in more than one instance, been reduced to 1s. He ventured to think that, if a Bill of that kind could be applied to the districts that required it, it would be no detriment either to landlords or tenants, and of vast benefit to the community at large. He would therefore give his cordial assent to the second reading.

MR. DODSON said, he had voted against two previous Bills on this subject, but in the present measure what he most had objected to was removed. The present Bill allowed a part of a county to be formed into a district. He did not think the Bill involved such a confiscation or such centralization as the hon. Member for Nottingham then apprehended. The adoption of the Bill would rest with the local magistracy, and the working of it with the rate-payers. In fact, it applied to

the management of the highways the same principle that had been applied to the administration of the Poor Law. The area of management was to be extended from the parish to the district, as under the Poor Law the area was extended from the parish to the Union. But the landowners and the rate-payers would still have the management of their own affairs. The evil of the present system of road management was its inequality. In a distance of six miles five might be tolerably good, and the sixth very bad indeed. The larger area could make larger contracts, give better work, and pay a good surveyor—a person not to be found in every parish. At present the management of the roads was generally handed over by one farmer to the other, who knew very little of road-making; and there was a tendency to give the work on the roads to the worst men—the incapable, the idle, and the vagabond. The hon. Member for Nottinghamshire said parishes had the power to unite into districts under an existing Act; yes, but under it one parish could defeat the good intentions of several adjoining it. He said, “You have power enough already, if you will put in force the present law.” But how was the difficulty of the poor parishes and the small area to be dealt with? Owing to the existence of this small area, the necessary expenditure could not be afforded, and it was here that you wanted some such arrangement as was provided by the Bill. Then it was said that the bad roads were the result of the terror which had been excited throughout the country from the introduction of these Highway Bills. But, if there was any truth in this statement, not one-third of the roads only would be bad, for this cause would operate universally. In his county the roads were in general exceedingly well managed; but there were other parts of the county in which this was not the case, and it was in these bad districts such a bill was required. A short time ago he had occasion to drive from a country town to a railway station, a distance of five miles and a half; and the roads ran through seven different jurisdictions for repair. The first half mile was a turnpike road No. 1; then came two miles of a parish road No. 1; next a bridge and 200 yards kept by hundred rate No. 1; then half a mile of parish road No. 1; next a bridge and 400 yards kept by twelve tenants *ratione tenuræ*; then a mile of parish road No. 2; then half a mile of turnpike road No. 2; then a bridge and

Mr. Dodson

200 yards kept by hundred rate No. 2; and the rest of the way was turnpike road No. 2. The turnpike road No. 1 was not bad, No. 2 being better. Parish road No. 1 was very good, but No. 2 was execrable. The hundred rates cost £6 or £8 to make, and therefore were seldom raised. The *ratione tenuræ* tenants did nothing for twenty years and then appealed to the public for help, because there was so much to be done. Surely it would be highly beneficial to have in force a system which would get rid of some of these small and different jurisdictions, and place the roads under one good management. It would also be desirable in some cases to afford facilities by which an obnoxious toll-bar might be got rid of. But those were matters for consideration in Committee rather than in a discussion of principle. No doubt, the Bill was a complicated one, and perhaps the best course under the circumstances would be to read it a second time and to refer it to a Select Committee.

COLONEL WILSON PATTEN said, that two Sessions ago he joined his hon. Friend (Mr. Barrow) in opposing the second reading of the Highway Bill then introduced; but the opinion of the House was so strongly expressed in favour of some such measure that he should not himself have thought it necessary to trouble the House by asking them to go to a division at this stage, more especially as the changes introduced into this measure were all an approach to the principle which he had ventured to advocate. The Bill was, however, still objectionable in this respect—that it really introduced compulsory government by Boards. True, it was at the option of the magistrates to constitute a Board of Highways or not. But his constituents did not like that such a system should be forced upon them at the option of any persons. They had no faith in the economy of Boards, however efficient; and they feared not only that a Board of Management would be attended with great expense, but that it would lead to some ulterior measure—some central Board in London on the pretence of maintaining uniform legislation throughout the country. He believed there was a good deal of reason in these objections; and, at any rate, he thought that so great a legislative change ought not to be made if the same result could be secured by some more simple measure. Believing that this might be done, he should at a future stage try to accomplish the end in view in a more

direct and less expensive way. The defects of the present highway system were very simple. He differed from his hon. Friend in thinking that there were no defects. The great blot in the present system was that the public had no sufficient voice in looking after their own interest, and that the managers generally misapprehended their duties. The general impression among the surveyors seemed to be that if the roads of the district were sufficient for the requirements of the district, this was all that could be looked for. But the public were just as much interested in these roads as the district itself was, and were equally entitled to expect that they should be in good condition. The public, however, might be protected by simpler means than were proposed. It had been suggested that a district surveyor should be appointed, with power to inspect and report to some higher authority. Now, the ratepayers would not, he believed, object to some greater power being exercised on the part of the public if they were allowed to make the repairs ordered in their own way. He would therefore merely divide the counties into districts, appointing a surveyor to look after each, and in this way a remedy would be applied to all the defects of the present highway system. The law, would then, he thought, have to be enforced in very rare cases, and when the public had a voice in the matter all the roads would be much better looked to. He was aware that this proposal was liable to the objection of his hon. Friend, that it would take more power out of the hands of the ratepayers. But he believed that the ratepayers would not object to the authority he had suggested. After the strong opinion which had been expressed in favour of some such Bill, he would advise his hon. Friend not to divide the House against the second reading. Perhaps the best mode of dealing with the Bill would be to refer it to a Select Committee, as had just been suggested. He should not himself offer any opposition to the second reading, but should take the opportunity upon future stages of the Bill of endeavouring to make it more conformable with his views.

MR. H. A. BRUCE said, the roads of South Wales had been mentioned somewhat disparagingly, and he thought rather unfairly. He recollected when those roads were in a really bad state, but he wished to bear testimony to the improvement that had been made under the operation of Lord

Cawdor's Act. Not many years ago a Welsh clerk of the peace, being asked by a committee of the House of Commons "what was the state of the highways in Wales?" replied, "There are none." He was asked, "How do you travel, then?" to which he answered, "In ditches." He had himself ridden many score miles in roads which were more truly the beds of brooks. He (Mr. Bruce) lived in a parish of 18,000 acres, and in it there were four hamlets. The surveyors used to be farmers, who in many instances celebrated their year of office by making good roads up to their own farm-houses. Each hamlet had its own unpaid surveyor. Availing themselves of the powers given them by the Highways Act, the parishioners appointed one paid surveyor for the four hamlets, at a salary of £40, and in a very short time he reduced the highway rates to half their former amount, while the roads were four times as good. The highways of South Wales were now managed on a system almost identical with that proposed by the Bill before the House. The adoption of that system was not due, as the hon. Gentleman (Mr. Hodgkinson) supposed, to the Rebecca riots, which affected only turnpike roads, but was the work of a nobleman of great ability and administrative powers—the late Lord Cawdor. At the request of the hon. Member for Leominster (Mr. Hardy) he had written to clerks of several districts in Glamorganshire to inquire into the relative efficiency of the old and new systems. He had received very full and satisfactory returns, making out, he believed, in every instance, a case of reduced expenditure and increased efficiency. The measure worked well, and without any of those evil consequences threatened by the Member for Notts.

MR. DEEDES said, that having for many years felt great interest in every measure of this kind, and being desirous of seeing something done to remedy the defects of the present administration of highway law, he could not but support the second reading of this Bill. In doing so he must not be taken as agreeing to all the clauses, or even all the principles in the Bill. In the first place, he thought it was unnecessarily complicated. He could not see upon what principle the Secretary of State for the Home Department was to be drawn in as an active party in carrying out the provisions of this Bill. He believed it would be better if it were left to the magistrates of the

county in the first instance to set the new system in motion, and that they should have the power, if they thought fit, upon representations being made to them, to sub-divide the county into districts in such manner as would best enable them to administer the law. Having done that, he did not see why the Secretary of State should be called upon to confirm such arrangement. The Secretary of State would be placed in the predicament of deciding between contending parties upon matters of which he could have no positive knowledge, and concerning which he could only derive his information from the magistrates on the one hand or the parishes on the other. There were other parts of the Bill to which he objected; but, as they were matters that could be better discussed in Committee, he should not enter upon them on the present occasion; he should therefore confine himself to the general principle of the measure and the reasons why he thought the House would adopt and the country would accept something, although, perhaps, not this Bill in its present shape. His experience led him to think that a large amount of money was now thrown away upon the management of highways. Some hon. Gentlemen were afraid that the new system of way-wardens and what had been called irresponsible boards, would necessarily cause increased expense. He had a firm conviction that if the waywardens did their duty a large diminution in the present rate of expenditure would follow. The public had a right to expect when travelling over eight or ten miles of roads that they should not be subject for one-half the distance to journey over execrable roads, when, by simple management, the road might be made equally good throughout its length. He was sure that a larger area of management under proper control would lighten the expense upon all, and greatly tend to the advantage of the public. The hon. Member for Nottinghamshire (Mr. Barrow) had used a hard word—"confiscation," but neither he nor the hon. Seconder had given any definition of the term to justify its use in reference to this Bill. Where could be the confiscation of property when the management was to be in the hands of the parties interested—the ratepayers and the waywardens? The hon. Gentleman had said that, under the present law, the ratepayers met in vestry to elect officers; but that was really not a correct description of what took place. True, the vestries elected

Mr. Deedes

officers, as they were compelled to name some one to be surveyor; but it was notorious that one man after another sought to evade it or to get out of it as soon as possible, and, when obliged to serve, the surveyor was incompetent to perform his duties because he was ignorant and uninstructed in them. That state of things demanded a remedy, and he knew none so good as the appointment of a district surveyor—a man with specific duties, who would be paid for the discharge of them and responsible to some authority for their due performance. Such a remedy would, he believed, tend to improve the parish roads, and at the same time to diminish the expense. It was said that the vestries might give salaries now; but who would expect them to do so when the person elected knew nothing of the duties he had to discharge, and who only accepted the office because he could not avoid it? Some such system as that now proposed was necessary. The hon. Seconder of the amendment had alluded to clause 37, giving the magistrates certain powers which he thought they ought not to possess, but upon reference to the clause it would be seen that it only applied to magistrates at quarter sessions who happened to be waywardens and who were not therefore to be precluded from acting as magistrates. A hint had been thrown out about referring the Bill to a Select Committee. If he believed that such a reference would shelve the Bill, he should oppose it, because he thought the measure was based upon a principle laid down by a Committee; but, assuming the principle to be adopted, and with the distinct understanding that the Committee should entertain nothing but the Bill in order to put it into working shape, without taking evidence, he should not object to the suggested reference. Looking at the diversity of opinions upon the subject and the complicated nature of the Bill, he was disposed to think that would be the most practicable mode of getting some measure passed this Session.

MR. WALTER said, that feeling a deep interest in this subject, he was anxious to bear his testimony as to the necessity of passing some measure of the kind. The hon. Member for Newark (Mr. Hodgkinson) had said that it was not a question whether there should be good roads or bad roads, but whether the parishes should be interfered with. He (Mr. Walter) thought the House would agree that in a Bill for the better management of highways, the

state of those highways had something to do with the question. The hon. Member who moved the rejection of the Bill (Mr. Barrow) had given the House a minute description of the legal remedies available for the enforcement of the present system; but from his experience he (Mr. Walter) could conscientiously say that he should never dream of attempting to resort to those remedies, because there was no machinery to carry them out. Any one riding along a country road, and seeing the way in which road-mending was carried on—a cartload of large stones tumbled down and merely strewed over the road—the side, which should be left turfed for the benefit of riders, being broken up and destroyed—could come to no other conclusion than that those who were employed in carrying out the repairs were incompetent to the performance of their duties. Let any one consider what the parochial system was upon a matter of this kind. He believed the average area of the parishes in this country was 3,000 acres. No one would say that such an area was sufficient to employ a competent staff to manage the repairs of the roads. Then again, there were in many districts in the South of England what were called “drift ways,” which were being gradually brought into use—roads which until within a few years had been merely sand roads or turf roads, but which, in consequence of increased population, were being gradually put into a proper state of repair and made passable for carriages. Suppose three parishes—and he knew of such a case; that the parish at one end, which he would call A, put its road in perfectly good repair; the parish C, at the other end, did the same thing; but the parish B, between the two, left its road utterly impassable for carriages. Would any one tell him that was a proper state for the roads of the country to be kept in, or that any Bill which deprived the parish of the power of leaving its roads in this disgraceful condition should be charged with centralization and confiscation, and he knew not what other terms? There were certainly some clauses in this Bill which he should wish to see dispensed with. He did not know why the Secretary of State should trouble himself with the accounts about those roads, overburdened as he was already with other business. He considered that that was really the centralizing element of the Bill. There was no more reason that accounts should be sent into the Secretary of State

for those districts roads, than that the accounts for county bridges and roads in general should be referred to the Secretary of State. He hoped, therefore, that in Committee that clause would be expunged. It appeared to him that roads, being intended for the public benefit, and not for the benefit of the parish merely, should be kept in repair for the benefit of the public. If such roads were merely means to an end, it must be quite evident, he thought, to every one that the public at large were as much interested in the roads at one end of the kingdom as in the roads in their own parishes. That principle he had always supported as an amendment of the present law, and he should cordially support the second reading of the present Bill.

MR. HENLEY said, they had had Highway Bills so often before them, that it would be a curious thing to have a sort of *variorum* edition of Highway Bills, to see how they agreed or differed one from another. His opinion of the merits of the present Bill would depend very much upon the answer he received from the Home Secretary to the question he wished to ask as to the true interpretation of the 5th clause. The hon. Gentleman who had just sat down had given a very curious illustration of the evils of the present system, when he said—Suppose that parish A and parish C made their driftway good at either end, but that parish B had an impassable bad road in the midst. Well, under the existing law the remedy was very simple—it was as simple as A B C. Assuming it to be a legal highway—for otherwise neither this Bill nor the existing law would enable it to be done—the remedy was most simple. Let them go before the magistrates at petty sessions, and the thing might be done; it was inexpensive and of no difficulty. But, so far as he had been able to read this Bill, that remedy had been entirely cut from under their feet. He did not see any remedy at all in the Bill. The Bill expressly exempted the Board from all the penalties which fell upon the surveyor now if he did not do his duty, by the express enactment that those penalties were taken away. But it might be said they had the old remedy by indictment for nuisance. Unfortunately the parish might be indicted and the inhabitants amerced by fine; but they would have no power by law, according to the Bill, of abating the nuisance. That was a point which was capable of being remedied in Committee; but it had been

said that Boards had neither noses to be pulled, nor another part to be kicked, and it did not appear what remedy was given against Boards if they failed to discharge the duties imposed upon them. Boards, however, were very pugnacious, and he ventured to say that country Boards would fight any one who attacked them, to the last breath in their body. They were very pugnacious, because, among other reasons, they did not fight with their own individual money, but with the money of the ratepayers. He was almost induced to call this a pleasant Bill, because there was really a provision in it so very extraordinary that he had not seen anything like it of late years. They would constitute a Board of way-wardens, who were to be elected. Those gentlemen would meet. The right hon. Gentleman was evidently afraid that his Boards would not meet, and therefore he imposed a penalty upon them of something between £1 and £5 for non-attendance. But who was to enforce it? Why, the gentlemen themselves. That was a very pleasant arrangement. But if they did not do their duty, who was to fine them and make them meet? Why, they would fine themselves. That was a degree of virtue which he thought it possible that a Board might not always possess. They had heard in times past of churchwardens' dinners and all that sort of thing, which they had hoped was got rid of; but here was a nice machinery set up exactly for the same purpose. Here was a Board which had power to fine from £5 to £1. They might borrow to any extent; there was no limit except the consent of the Secretary of State. And then they were to audit their own accounts; so that the parties whose money was spent were to have no check. But those men were to have the auditing of their own accounts, which was equivalent to saying that there was to be no check at all. Why, they might have turtle dinners put in as items in the road accounts. Who was to know? He thought the right hon. Gentleman would see that that was a provision which, whether the Bill went upstairs or was dealt with in that House, must have a proper remedy put to it. Where persons were spending other people's money it was right there should be an independent audit. These were some of the prominent objections which appeared to him to exist to the details of the Bill; and, certainly, some rather odd arguments had been used that night in its favour. The hon. Member for

Mr. Henley

Sussex (Mr. Dodson) had given a strong illustration of the inconvenience he suffered in going a distance of five miles and a half through seven different jurisdictions to a railroad. One turnpike road was bad, and one good; there was a parish road very good, and another execrable; there were two "hundred" bridges, and there were roads *ratione tenuræ*. But this Bill would not deal with the "hundred" bridges; they would remain untouched—the bad turnpike roads would remain untouched. He might have a chance of amending his bad parish road or of making the good one worse. That was all the hon. Gentleman would gain by the Bill. But this Bill, if he had read the 5th clause aright, relieved him of a good deal of the difficulty he had felt with regard to the other Bills that had been submitted to the House. He did not know whether, under this clause, the magistrates at quarter sessions would have power simply to make one district, and so from time to time to bring other districts into the system, if it was thought desirable; or whether, upon the requisition of five magistrates, it would be imperative on the quarter sessions to divide the whole county into districts. The nature of the information he received would decide his vote. If it was left open to the quarter sessions, on the requisition of magistrates in the neighbourhood, to form a district, it might be generally presumed that that would not be done without the wishes of the inhabitants, and he for one could see no objection to a system of that kind, because the principle *volenti non fit injuria* was a very sound one. If the parties wished for such an arrangement, they would be brought to have a good district surveyor, and no doubt the roads would be made better and more economically. If they got a good district surveyor, they got better roads. But in a poor district with small farmers they might have a district surveyor job, as Boards would job as well as other people; and if they got a bad surveyor, they would have more expense and worse roads, because there would be less control over him. And therefore it would depend upon the explanation which the right hon. Gentleman would give of the 5th clause, which was by no means clear, whether or not he would support the Motion for the second reading. It was true that these and other points might be amended in a Committee, either upstairs or in that House; and as the Bill had been introduced early in the Session, he hoped something would be made of the subject in time.

SIR GEORGE GREY said, that he had not addressed the House on moving the second reading, because he felt that he had nothing new to state, the present measure being identical in principle with other previous Bills which had received the sanction of that House. With the exception of the hon. Gentlemen who moved and seconded the Amendment, the Bill appeared to have met with very general assent as far as regards the principle that Highway districts should be formed, and Highway Boards established, to superintend the repair of the roads in those districts by means of paid district surveyors, whose business should be exclusively to attend to that duty. These Highway Boards were to be composed of the representatives of the ratepayers in each of the parishes forming a district. The Bill rested on authority and experience. The House had repeatedly affirmed its principle. The existing Highway Act, as it passed the House of Commons, contained a provision for the compulsory union of parishes as Highway districts, which provision was modified by the House of Lords so as to make it optional on the parishes to form the districts. The result was that that provision was acted upon but in a very few instances, as the assent of every individual parish had to be obtained; but in the districts where the power had been exercised, and the roads placed under the charge of district surveyors, the result had been most beneficial in the improvement of the roads and the economy of expenditure. An hon. Member (Mr. H. Bruce) had referred to South Wales, where it was stated the system adopted was almost identical with that proposed by the present Bill; and he found, by the last accounts, that in 1859 the expense of maintaining the roads there was, on an average, only £6 per mile, while in England it amounted to £11 2s. Thus it appeared that the expenditure on roads in South Wales was very little more than half the amount spent in England, while, according to the testimony of the hon. Member, the roads in South Wales were kept in a better condition. The hon. Member for Nottinghamshire (Mr. Barrow) said that the Bill would confiscate the rights of parishes and deparochialize the country. Now, assuming that the high roads of England might be treated as parochial matters (which he denied), did the Bill confiscate the rates of parishes? The rates were to be collected within the parish

and applied within the parish, with the exception of that small portion which was to be appropriated for the expenses of the Board, the district surveyor, and clerk. As to deparochializing the parishes, was it the fact that roads ought to be considered as exclusively local matters to be confided exclusively to the charge of each parish? That, as had been truly stated by the hon. Member for Berkshire (Mr. Walter), was not the case, and the public at large had a direct interest in a continuous road passing through several parishes, and would naturally desire that the management should not be broken up into several small jurisdictions, producing different results in respect to the manner in which the road was kept. It was said that there existed means for compelling the present authorities to do their duty. No doubt, that was the case, if the roads should be in an indictable state and not passable; but there were many roads which, though not in an indictable condition, formed a very unfavourable contrast with what was termed a good road; for there was a science in road-making as in other things. An hon. Gentleman had described one manner of road-making to consist in the careless throwing down of cartloads of stones, and filling up a hole here and there, without any system. A road so repaired might be passable for carts, but it would not be in such a state as a line of communication between one part of the country and another ought to be in a civilized community. It could not be denied that many of the present surveyors were wholly unfit for the duty. It must be borne in mind that the establishment of railways had made some difference in respect to the public roads. The turnpike roads used to be the great lines of communication; but now other roads, radiating in all quarters from railways, were brought very greatly into use, and he feared that they would never be maintained in an efficient state of repair unless some such system as that proposed by the present Bill were adopted. But it was said by the hon. Member for North Lancashire (Col. Wilson Patten) that a Board was a most cumbrous mode of obtaining the end in view, and might very well be dispensed with, and that all that was wanted was a district surveyor. He agreed with the hon. and gallant Member that a district surveyor was essential; but it must be remembered that the Board was a representative body, and he thought

the Bill would have been open to greater objection if it dispensed with a representative Board, and merely left the appointment of the district surveyor in the hands of the magistrates. He believed that the real difficulty in passing these Bills through Parliament had proceeded from fear on the part of the ratepayers of expense consequent on the adoption of the proposed provisions. He did not deny that, when the roads were bad, there would be some expense in repairing them; but, when once the roads were, under the new system, put into a good state of repair, they would afterwards be kept in a much more efficient condition at much less expense than under the old system. One or two Members had asked why the Home Office interposed in this matter, if the magistrates agreed to divide a county or a portion of a county into a district. The only reason why the assent of the Home Office was made necessary to the final formation of a Highway district was, in case there should be any strong local opposition to the decision of the magistrates, that there might be an appeal to the Secretary of State, and an opportunity for reconsidering the matter. There was no desire on the part of the Home Office to add to its own duties by taking upon itself business of a merely local nature. It had been suggested last year that there should be a formal appeal from the decision of the magistrates. That, however, would clearly have been a cumbrous and inconvenient mode of operation, and a reference to the Secretary of State had been inserted instead. Still that precaution might be an unnecessary one; and if such should be the opinion of the House in Committee, he would be happy to dispense with it. It had been asked why the Home Office should interfere with the accounts. Under the present law, the accounts of turnpike trusts and of highways were sent to the Home Office, principally, he believed, for statistical purposes, that department being thought a convenient channel through which all such information should be obtained for Parliament. That, he believed, was the object of this provision. The right hon. Member for Oxfordshire (Mr. Henley) had objected to what he called the indefinite power of borrowing given to the Board, subject only to the approval of the Secretary of State. That was a point to be discussed rather in the Committee than on the second reading; and he hoped to be able to satisfy the right hon. Gentle-

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man that this power was not indefinite. There was a limitation in the amount of highway rate itself which might be levied in any parish. The money must be borrowed on the security of the rates, and no one would lend more than the sum the interest of which could be paid out of the rates in addition to the cost of repairing the roads. However, any amendment that might be proposed on this point might be very fairly considered in Committee. So, too, with regard to the audit, in respect to which the provision in the Bill was the same as the one in the South Wales Act. If it should be found that that provision had not worked well in South Wales, it would, perhaps, be better to have an independent audit. The right hon. Gentleman had also said that the Board would be under no liability that could be enforced to maintain the roads in good repair. The 19th clause, however, declared that the Highway Board should perform the same duties and be subject to the same obligations as those to which the local surveyor is liable. Therefore, the duty being transferred to the Board to be performed by their servant the district surveyor, if that duty were neglected proceedings might be taken against them as a corporate body to enforce the fulfilment of the obligations imposed on them by Parliament. The right hon. Gentleman fancied that the 5th clause was ambiguous, and asked whether it was imperative on the justices to divide the whole county into highway districts, or whether they might limit their action to a part of the county. Certainly it was the intention of the Bill—and he thought that intention was clearly expressed—that it should not be incumbent on the magistrates to divide the whole of the county into such districts, because there might be some parts of it in which the management of the roads did not require any alteration, and others where improvement was urgently demanded; and no doubt it would be competent to the justices in such cases to divide a portion of the county, instead of the whole, into districts. He did not know whether he had now sufficiently answered the observations of the right hon. Member for Oxford.

MR. HENLEY said, the right hon. Gentleman's answer was so far satisfactory, and, no doubt, if the wording of the provisions was not clear, it would be made so in Committee.

SIR GEORGE GREY: Some of the speakers who were friendly to the Bill had

proposed that it should be referred to a Select Committee; and the hon. Member for Kent (Mr. Deedes) had said, no doubt sincerely, that he would not make that suggestion if he thought it would tend to defeat the Bill. On a previous occasion, it might be remembered, a Bill of a similar nature to the present was referred to a Select Committee; and, though the Committee were very unanimous in favour of the measure, the result was that it could not be proceeded with that year. Nevertheless, the present Bill had been introduced very early in the Session; and therefore, if hon. Gentlemen adopting its principle, and being anxious only to consider, and, if possible, improve its details, went into a Select Committee, they would probably report in about three weeks, and no serious delay would arise. On that understanding, and provided that the Committee would merely go through the clauses without taking evidence or discussing the principle, he should certainly not object to the Bill, after its second reading, being referred to a Select Committee.

LORD FERMOY was surprised that the right hon. Baronet should have said that nobody who had opposed the Bill that night had objected to its principle. Why, there was scarcely any of those hon. Gentlemen who had not objected to its principle. For himself, he strongly objected to it, and that on the ground of its tendency towards centralization. He did not say that the Bill boldly asserted the principle of centralization, but it took a step in that direction, and as those things always began by small degrees and increased in magnitude, he objected to it. The Bill proceeded practically to sweep away all local control. It was said that in the parochial system they had not uniformity; but if the advocates of uniformity should carry this Bill and create district boards, what means had they of enforcing uniformity? They would have to come to that House and seek to enforce uniformity by the establishment of a Central Board sitting in London. There would happen in this case what had happened in the case of the Poor Law; and he asked the Members for England would their constituents and the people of England be satisfied to place their local rates and roads under the power of a Central Board sitting in London? He thought they would view such a proceeding with the greatest repugnance. He had also a constitutional objection to the Bill, and did not think they should

abolish what remained to them of local self-government until at all events a case was made out that it had fairly been tried and failed. Was there, he asked, any case made out to show that the system of parochial control and self-government had failed? The hon. Member for Derby (Mr. Bass) who had made an able speech in favour of the Bill, gave an instance to show that they had not tried their present system sufficiently. Having passed over a road that required repair, he applied to the parochial authorities to repair it, and they repaired it accordingly. The system of centralization which the Bill proposed to extend might render it a very good law for the French, but, in his opinion, it would be a very bad law for England. Not a single petition had been presented to the House calling for a reform of the law in the sense proposed by the Bill.

SIR MATTHEW WHITE RIDLEY: I voted against a Highways Bill upon a former occasion; since that time I have been in communication with my constituents, but I found they were not agreed upon the question, although they were all desirous that something should be done to improve the present system. Finding this to be the case, I have come to the conclusion of giving my support to the present measure so far as voting for the second reading, in the hope that in Committee the Bill will be so improved as to effect the objects which all have in view.

MR. NEWDEGATE: I object to the formation of these Boards; and, believing that the real requirements of the case are exceedingly simple, I cannot vote for a Bill fraught with the dangers which the noble Lord opposite has described. Under the present system aged and infirm labourers are employed, and thus kept out of the workhouse, and farmers have an opportunity of occasionally employing their men and horses profitably. These are advantages which should not be lightly thrown away. It has been said that this Bill will ensure economy. It may create a saving in pounds, shillings, and pence, but with a waste of means which may effect a more real economy.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 141; Noes 30; Majority 111.

Main Question put, and *agreed to*.

Bill read 2^d, and *committed* to a Select Committee.

MARKETS AND FAIRS (IRELAND) BILL.

LEAVE. FIRST READING.

SIR ROBERT PEEL: Sir, I rise to move for leave to introduce a Bill for the better regulation of Markets and Fairs in Ireland. The subject is one of considerable importance to the domestic industry of the Irish people. Bills have been introduced into this House intended to deal with this subject in 1858, 1859, and 1861. It will be recollected that the Bills of 1858 and 1859 proposed the appointment of a commissioner and an assistant-commissioner who were to have the whole regulation of fairs and markets in Ireland, who were to prepare a schedule of tolls, and who were to have the power of calling upon the owners of fairs and markets to come forward and prove their titles. It will be recollected that my immediate predecessor thought that this was legislation of too minute a character, and that in the Bill introduced last Session it was proposed to leave a great deal to local management and to Orders in Council. That measure was referred to a Select Committee who went carefully into all its details, and the Bill which I have now the honour to submit to the House is, with certain slight modifications, substantially the same as that reported by the Select Committee last year. I believe that the evils so loudly complained of in Ireland will be corrected by this measure, and that in future the fair dealing of the great majority of the trading and agricultural classes will not be tampered and interfered with by that arbitrary and cumbrous machinery which is distasteful alike to producers, consumers, and exporters. The Bill has met with considerable support in Ireland, and I hope to be able, with the co-operation of the Irish Members, upon whose judgment and local experience I confidently rely, to pass it through both Houses in the present Session. I need hardly say that the subject to which the Bill relates has long and frequently engaged the attention of Parliament. More than 200 years ago there was a Parliamentary inquiry into the grievances connected with fairs and markets in Ireland. There was an inquiry into the subject in 1635; in 1640 a Bill for establishing the certainty of the amount of tolls to be levied was introduced, which, unfortunately, did not pass; and there were inquiries in 1697, 1698, 1703, 1764, and in 1826 by a Committee of the English House of Commons to consider the return

of tolls in seaports, fairs, and markets in Ireland. In 1830 a Select Committee appointed to take into consideration of the poorer classes in Ireland recommended, among other remedies, a correction of the abuses in respect of tolls and markets; and in 1835 the Committee on Municipal Corporations in Ireland described in their Report the objectionable nature of the tolls levied on fairs and markets, and recommended a thorough revision of the entire system. There have, therefore, been many inquiries and many recommendations on this subject by Commissions and Select Committees. The main object has always been to regulate with certainty the amount of tolls to be levied in fairs and markets, and legislative measures for that purpose have been frequently recommended by Commissions and Committees. Nevertheless, little or nothing has been done, and the inaction of Parliament has been followed by this remarkable result, that in many parts of Ireland a system of force has been organized for the purpose of putting an end to the objectionable tolls. These attempts have been in a great degree successful in the provinces of Ulster, Leinster, and parts of Munster. The agitation commenced in the county of Meath, Kildare, Dublin, King's and Queen's Counties; and the consequence is, that if you were to draw a line from Londonderry to Youghal, you would find that in almost all the fairs and markets to the eastward of that line the tolls have been forcibly abolished, whereas in nearly the whole of those to the westward, with a few exceptions, the tolls still continue to be levied. Of course, that is a very unsatisfactory state of things; because in those places where the tolls have been forcibly abolished worse evils than any which existed before have been created by the want of proper management. About thirty years ago an attempt was made to introduce some improvement, and the result of that attempt has been that since 1836 no patents for fairs or markets have been issued in Ireland; and this is the only recommendation that has been acted on. The history of these fairs and markets is really most entertaining to any one who takes, as I do, an earnest interest in everything that tends to promote the well-being of the industrious classes in that country. There are at this moment 1,297 fairs in different parts of Ireland. Of that very large number there are not one-third held under patent; that

is to say, as time has gone on the date fixed in the patent for holding the fair has been changed, and at this moment, of 1,297 fairs, only about 488 are held according to the strict letter of the patents. Of markets there are 349, but of that number also only one-third or about 122, are held according to the stipulations of the patents. The House will, therefore, understand how very distressing such a state of things must be for the agricultural and trading interests of Ireland. In that large number of fairs and markets tolls are levied, and other exactions made, utterly opposed to the spirit of the patents under which they were originally granted. The first patent granted was in the time of James I., and the patents were continued under successive Sovereigns till 1836. There are only eight fairs held under special Acts of Parliament. These are Athlone, Belfast, Cork, Dublin, Kilkenny, Galway, Limerick, and Londonderry. There is one thing in connection with these fairs and markets, of very serious import, with which the Bill will deal—I mean the system of tolls. They are sometimes leased away, sometimes let for the lives of patentees, and sometimes appropriated to other than market purposes. By an old Act of Parliament, passed in the reign of George III., the owner or lessee of a fair is bound to put up a schedule of tolls. I believe that is almost entirely disregarded in Ireland; and tolls are now levied, I think, in Galway on cattle entering the market whether they are sold or not, contrary to Act of Parliament. It appears by that most interesting volume issued by the Commission which sat in 1852, that tolls are actually levied on sales taking place on Sunday. The House will agree with me that this is a highly objectionable state of things, and it is to the correction of its evils the Government have turned their attention. Three several Governments have endeavoured to deal with the subject, but without success. I trust I may be more fortunate. Although it would be unbecoming in me at this late hour to trespass long on the attention of the House, I may be permitted to allude to the main features of the Bill which I shall lay on the table. One of the clauses gives statutory force to the obligation which the common law imposes on owners of markets and fairs to provide accommodation. Now, owners of fairs in Ireland seem to think that they are not bound to provide accommodation; but, strictly speaking, they are bound by law

to do so. In 1835 the Judges were consulted by the House of Lords upon an Islington Market Bill, and they gave it as their decided opinion that the owner of the market was bound, in accepting the grant, to provide adequate and convenient accommodation for the people frequenting the market. We endeavour to establish that principle in this Bill. Another evil which gives rise to the greatest possible confusion in Ireland we propose to remedy. I refer to the denominations of weights in Ireland. What is properly called uniformity of weights and measures is already provided for in Ireland by Acts of Parliament, the principal of which are 5 *Geo. IV. c. 74*, and 5 & 6 *Will. IV. c. 63*. It is the designation or computation of weights by local terms, instead of by the names of the imperial standard weight, that is the remaining mischief now to be got rid of. The House will hardly credit the great variety in the denomination of weights in Ireland. Grain is purchased by the cwt., stone, and barrel; in grain, the stone and cwt. always consist of 14lb. and 112lb., but the barrel varies in almost every town. The barrel of oats at Roscrea and Nenagh is 12 stone; at Limerick, Cork, and Dublin, 14 stone; at Newtownlimavady, 18 stone; at Sligo, 24 stone; at Killarney, 32 stone; at Skibbereen and Bandon, 33 stone. A barrel of wheat is 20 stone; a barrel of barley, nearly everywhere, 16 stone; but at Newtownlimavady, 21 stone. Potatoes are purchased in some places by the stone of 14lb.; in others, by the stone of 16lb.; in some towns “by the weight” of 21lb.; in others by barrel, in different places, of 15, 20, 21, 24, 32, 40, 48, 64, 72, 80, 95, 96 stone of 14lb. With such a variety of weights, it was almost impossible that a simple-minded agriculturist should know how to sell his produce. A pound of butter in some places is 16oz., in others 18oz.; a stone of flax in some places 16lb., in others 14lb.; a cwt. of flax consists in different localities of 112lb., 120lb., and 124lb. Pork in the north is purchased by the long cwt. of 120lb.; in the south, by the cwt. of 112lb. In fact, the whole system of internal traffic in Ireland is unsound. Such a state of things, clearly, is most objectionable. It is quite impossible for the internal trade and the domestic industry of the people of Ireland to go on if the state of things, literally existing at this moment is permitted to continue. The Bill will contain provisions specially for the

prevention of fraud in the butter trade. The butter trade is most important. In that most flourishing and beautifully situated locality, the city of Cork, the butter trade is most extensively carried on. I have got a return here of the quantity of butter exported from Ireland in 1860. The quantity exported from Cork in that year was 16,103 cwt., whereas the quantity exported from the other towns and cities of Ireland only amounted to 11,100 cwt. The importance of the butter trade of Cork cannot, therefore, be exaggerated. The hon. Member for Cork will be able to state if I am wrong, but I believe great complaints even now prevail as to the regulation of the market in Cork. Up to 1829 the trade was governed by the 52 *Geo. III. c. 134*; but the restrictions and regulations were considered by all parties as insupportable, from their partial application, and all the old butter Acts were repealed, and the trade set free from legislative control, by the 10 *Geo. IV. c. 41*. We propose to make special regulations for the prevention of fraud in the butter trade. There are also provisions for dealing with pretended and irregular fairs and markets. These are the main features of the Bill which I propose to lay on the table, and which I trust will put an end to a system uncertain, undefined, and vexatious to the people of Ireland. I am quite satisfied that great good will result to Ireland if this Bill is passed. Although we know that Ireland has made great strides since 1848 in endeavouring—I will not say under great difficulties, but with very inadequate inducements—to improve the land under culture, any one who travels through the country must see that much remains to be done which Parliament, in many cases, can assist in doing. We hear it said that Irish industry, in comparison with other countries, is backward. I do not know whether that is true, but of this I am sure—that if it is true, it is not attributable to natural defects or want of energy in her people. It will not, however, be denied that there is at the present moment a spirit of improvement developed in Ireland which we cannot too highly applaud; and I believe that by passing this Bill, and removing cumbrous machinery which interferes with the operations of all classes, we shall successfully aid that development. I take no credit for this Bill, but I give it where it is due—to the right hon. Gentleman who preceded me in my present office (Mr. Cardwell), to the

Sir Robert Peel

noble Lord the Member for Cocker-mouth (Lord Naas), and to others who have considered the subject. In conclusion, I will repeat that I am sure by passing this Bill, with such modifications and amendments as may be necessary, we shall assist in rendering Irish enterprise and Irish industry more productive and more profitable than is possible under the evils and restrictions which it is designed to remove. The right hon. Gentleman then moved for leave to bring in a Bill for the better regulation of markets and fairs in Ireland.

MR. LONGFIELD, as a Member of the Committee on whose Report the Bill was mainly founded, observed that the existing evils arose chiefly from want of proper accommodation, from frauds by sellers, frauds by buyers, and variations in weights and measures in various parts of the country. He was glad to see that the suggestions of the Committee had been adopted almost without alteration by Government, and that the Bill was introduced at an early period of the Session, whereas, in former years, such measures had fallen to the ground from being introduced at a late period, when the House was occupied with other, perhaps more important, because Imperial matters. He hoped that there would be no opposition to a measure looked forward to with so much hope by the people of Ireland.

MR. LEFROY said, that in his opinion also the subject was one of great importance to the prosperity of Ireland, and expressed his satisfaction that the measure had been brought forward at so early a period. He hoped that the right hon. Gentleman would meet with every assistance in passing it into law.

MR. GEORGE hoped, however, that the people of Ireland would be allowed an opportunity of making themselves acquainted with the details of the Bill before the next step was taken. If it only removed the discrepancies which existed in the matter of weights and measures, it would be well deserving of attention; but he thought that the machinery might be simplified with advantage. He could assure the right hon. Gentleman that there was a sincere desire among all parties to assist in legislating upon the subject in a practical form. Although the present Irish Secretary had had the way smoothed for him, he could not better inaugurate his accession to office than by passing so useful a measure.

MR. VINCENT SCULLY congratu-

lated the right hon. Baronet on the excellent tone and temper which characterized his statement in asking for leave to introduce the Bill, and he earnestly trusted that the right hon. Gentleman would in future follow the good example he had set to himself on that occasion. The Select Committee of the House on Irish fairs and markets had framed an entirely new Bill, which he presumed was essentially the Bill proposed for acceptance by the right hon. Baronet. If it differed from that Bill in any important respect, he should like to learn where those differences were and in what degree they existed. The chief points to be considered were, whether there should be a permanent Commissioner and compulsory weighing. The proposal to have a permanent Commissioner was rejected in Committee by a majority of one, but he agreed with the gentlemen of the county of Cork in thinking that the measure could not be advantageously worked unless supervision were exercised by such an officer. It had been suggested that the duty might be given to the Board of Works or to the Registrar General's Office. The principle of compulsory weighing was carried in the Committee also by a majority of one; but, while allowing it to be desirable, he did not believe it was practicable. He had proposed as an intermediate course that a declaration of weight should be made by every seller before receiving the price of any article. He hoped the right hon. Gentleman would give his best attention to those two matters.

Leave given.

Bill *ordered* to be brought in by Sir ROBERT PEEL, Mr. CARDWELL, and Mr. CLIVE.

Bill *presented*, and read 1^o.

RELIEF OF THE POOR.

SELECT COMMITTEE RE-APPOINTED.

MR. C. P. VILLIERS said, that the Committee of last Session on the administration of the relief of the poor had, in their last Report, stated that they had not yet comprehended the whole subject of the inquiry, and recommended that it should be continued. Accordingly he begged to move that the Committee be re-appointed.

Select Committee *appointed* "to inquire into the Administration of the Relief of the Poor."

CURRAGH OF KILDARE.

PAPER MOVED FOR.

COLONEL DUNNE, in moving for a copy

of all Proceedings taken against Persons for trespassing on the Common known as the Curragh of Kildare within the last two years; with certain particulars, said, that his object was to ascertain whether a conviction by a single magistrate was valid. His own belief was that it would not be legal without the concurrence of two magistrates. The Curragh was in old documents, and in some Acts of the reign of George III., spoken of as the Common of Kildare, and the Crown had never established any right to its possession. On the contrary, sheep had by usage been pastured upon it, and races had been held upon it for nearly 200 years. Yet at the race meeting last June Horse Artillery and Cavalry were manœuvring upon the racecourse at the time the races were going on, and seriously interfered with the sport. In the case of Aldershot no roads were stopped up until an Act of Parliament was obtained for the purpose, and he did not see why a different course should be pursued in Ireland. When the Camp was first established, his hon. Friend the Member for Enniskillen (Mr. Cole) asked whether it was intended to interfere with the raising and training of horses and the feeding of sheep, and the then Clerk of the Ordnance replied in the negative. He hoped that he should be allowed to have these papers, and should at the same time receive an assurance that the Government had no intention to interfere with the rights of the commoners.

SIR GEORGE LEWIS said, he understood the hon. and gallant Member to say that the Crown had asserted certain illegal rights over the Curragh of Kildare; but he could not see the connection between that allegation and the returns he moved for, which were for the number of persons taken into custody for trespassing on the Common. The question was, whether it was a "common." That would be a question which, in the first instance, would be raised by the Crown. For his own part, he never heard of a trespass on a common, and therefore he could not see what would be proved by this return, supposing it were granted. The return would do nothing whatever towards settling the title of the Crown. That was a civil, not a criminal question, and must be decided by a civil tribunal—perhaps in the Court of Chancery. The number of these convictions averaged about twenty a day, which for two years would give about 12,000; therefore, instead of being a leaf out of a

petty sessions' book, the return would, when printed, form a very large blue book. If he thought that this information would throw any light upon the question which the hon. and gallant Member had brought before the House, he should be unwilling to refuse him even so voluminous a return, but he did not believe that it would have any such effect. He really was not aware that the title of the Crown was disputed; during his tenure of his present office he had never heard of it. There was certainly a dispute in the matter between the military who were encamped on the Curragh, and the civil authorities, who seemed to be of opinion that the encampment of the troops on the Curragh was a trespass. He hoped his hon. and gallant Friend would withdraw his Motion; and if he would put his Question on some future day, or make some Motion, he would endeavour to give him some further information.

COLONEL DUNNE said, he had no dispute with the military authorities; it was merely the illegal acts of the civil magistrates that he wished to have inquired into. He would withdraw his present Motion and renew it in another form.

MR. HENLEY thought, that if it were the fact that twenty cases of trespass a day were brought before the magistrates, the matter was too serious to be pooh-poohed simply on the ground that some 12,000 names would have to be given in the return.

SIR GEORGE GREY pointed out that if the convictions were illegal there must be in Ireland, as in England, some means of bringing them before a superior authority and having them quashed.

Motion, by leave, *withdrawn*.

POOR RELIEF (IRELAND) (No. 2) BILL.

LEAVE. FIRST READING.

SIR ROBERT PEEL, in moving for leave to bring in a Bill to amend the Laws in force for the Relief of the Destitute Poor in Ireland, said that the Irish Poor Law Code consisted at present of the Act of 1838, the Amendment Act of 1843 (which related to matters of detail), the Act of 1847, and the Act of 1851, commonly called the Medical Charities Act. In the year 1860 his predecessor in office (Mr. Cardwell) introduced a Bill, which was referred to a Select Committee, consisting of Irish Members, representing the most important borough and county constituencies. The evidence taken before

Sir George Lewis

that Committee was of great importance in reference to any amendment of the law. The Committee of last year agreed to fourteen Resolutions, of which five were favourable to provisions contained in the Bill of his right hon. Friend (Mr. Cardwell), seven suggested new points of legislation, and two related to matters within the province of the Commissioners themselves—namely, moral classification and provision for religious worship—points which had since been dealt with in conformity with the spirit of the recommendation. The others of these Resolutions had been attended to in the Bill which he now proposed to introduce. The first and most important clause in the Bill proposed the repeal of “the Quarter-acre Clause.” In neither England nor Scotland did any similar restriction exist, and the Poor Law Commissioners informed him that the guardians in Ireland now discharged their duties so satisfactorily that such a regulation was no longer necessary. His own limited experience in Ireland led him to believe that great benefits would result from this relaxation of the present system. Another highly important clause provided for the admission of persons not destitute to workhouses for medical and surgical treatment; and the Commissioners declared that this would form “a most valuable addition to the present Poor Law system.” It was at one time thought that such a clause, which likewise bore the stamp of previous recommendation, would interfere with the county infirmaries. But Irish gentlemen knew well that the area of these infirmaries, which were mostly situate in towns was supposed not to extend beyond a circuit of ten miles from the establishment itself. This Bill would enable guardians to do for internal patients what the medical charities now did for external patients. A third clause gave power to relieve orphan and destitute children out of the workhouse, in accordance with the recommendation of three successive Governments, confirmed by the resolution of the Select Committee of last year. It was found impossible to rear and educate children of tender age in workhouses; of those under two years of age the mortality in workhouses amounted to 47 per cent, while out of doors in the same class it was only 16 per cent. In a medical as well as a moral point of view, this modification, therefore, was urgently required. The relieving officers would be intrusted with the care of the children, and it had been as-

certained that the expense of maintaining them out of the workhouse would not exceed £5 a head yearly—about the same amount which would have to be paid for them if they were brought up, at the risk of their lives, within the walls. The Government had not altogether decided to what age children ought to be allowed to remain out of the workhouse. The Poor Law Commissioners thought five years the proper limit, whereas the Select Committee fixed the period at twelve.

The right hon. Baronet then moved for leave to bring in a Bill “to amend the Laws in force for the Relief of the Destitute Poor in Ireland, and to continue the power of the Commissioners.”

MR. HENNESSY said, in England the Poor Law Commissioners regarded persons of 15 years of age as children, and the great mistake of their legislation with respect to Ireland in the Poor Law Department was, that they had for Ireland a code which, in its most important particulars, was the reverse of what prevailed in England. He thought they ought to take the age of the children in Ireland at 15 years.

MR. VANCE said, that if the time were extended beyond five years, the children would never die. He objected to a measure that would increase the rates, which in his own city amounted to 2s. 6d. in the pound.

SIR ROBERT PEEL proceeded to say that in his opinion he thought the age named by the Poor Law Commissioners would be most suitable, but he did not wish to press on the House a point which could with more advantage be settled in Committee. The only remaining clauses to which he would call attention were those limiting the number of proxies for the election of Poor Law Guardians which might be held by any one person to ten, to be held for a period of ten years; and those which continued the powers of the Commissioners for two years.

MR. HENNESSY said, the measures of the right hon. Gentleman so far had merited the approval of Irish Members; but he would be pursuing a retrograde policy if he adopted five years as the limit to which children could be maintained out of the workhouse. In 1860, the House, by a majority of 92, declared itself in favour of twelve years as a limit; and he thought, when the Bill which he had introduced came on for discussion, he could show reasons why fifteen years would be a still better standard. The English Poor Law

was a generous system, looking mainly to the relief of the poor; but in Ireland those who administered, or rather those who made the law, had most prominently before their eyes the ratepayers who were to be affected by the measure. The result was that in England the Poor Law alleviated and averted distress, and such misery as now existed in Ireland would not be even felt, much less talked of in this country.

MR. VANCE could assure the House that the Boards of Guardians in Dublin were averse to the plan of sending children out to be reared. Either living or dead, these children would be charged to the Union during the entire of the term for which they had been sent out. The system would therefore lead to frauds. He should remind his hon. and learned Friend the Member for the King's County that the circumstances of this country were very different from those of Ireland. There were, and had always been, more destitute poor in Ireland; and in Ireland more advantage was taken of the Poor Law, so as to obtain relief from the ratepayers, under circumstances that never would be contemplated or sanctioned in England.

MR. GEORGE said, that the opinion of witnesses from all parts of Ireland, as stated to the Select Committee, was that the existing law gave sufficient power to guardians in Ireland to give out-door relief in cases where it out to be afforded. The abolition of the quarter-acre clause was, in his opinion, fairly open to discussion; but, whether it was continued or repealed, the guardians must be the best judges as to whether destitution really did exist. He trusted the power of rearing destitute children outside the workhouse was intended to be a discretionary one, and that it would not extend to children beyond the age of five years. The substance of the evidence taken on that point by the Committee was, that the discretionary power should be confined to the cases of children not exceeding that age.

MR. POLLARD-URQUHART observed, that Dr. Phelan, the Most Rev. Dr. Cullen, and other witnesses, had given strong evidence for out-door relief. He could not agree with the hon. Member for Dublin that the people of Ireland were more anxious to avail themselves of Poor Law relief than those of England. Statistics quoted by the right hon. Baronet (Sir Robert Peel) a few nights before showed the contrary to be the fact. The per-

centage of those receiving poor relief in England was much larger than that of those who received in Ireland.

MR. LEFROY was in favour of an extension of medical relief, but would not wish to see the proposed power of rearing destitute children outside the house extended to the cases of children beyond the age of five years.

Leave given.

Bill *ordered* to be brought in by Sir ROBERT PEEL, Mr. CARDWELL, and Mr. VILLIERS.

Bill *presented*, and read 1^o.

House adjourned at half after Twelve o'Clock till Monday next.

HOUSE OF LORDS,

Monday, February 17, 1862.

MINUTES.]—PUBLIC BILLS.—1st Transfer of Land ; Declaration of Title ; Security of Purchasers ; Title to Landed Estates ; Registry of Landed Estates.

EDUCATION—THE REVISED CODE OF REGULATIONS.

The EARL OF DERBY *presented* petitions against the Revised Code of the Committee on Education, and said: My Lords I will take this opportunity to put a question to the noble Earl the President of the Council, or rather to offer a suggestion to her Majesty's Government, with regard to the course to be pursued in bringing under the consideration of Parliament the newly-revised Code. When that Code first made its appearance, it excited from one end of the country to the other the strongest possible feelings of apprehension and dislike. Subsequently Her Majesty's Government made important modifications, and, as far as they go, great improvements on the original Code ; but there are still many other points which deserve the serious and deliberate consideration of this and of the other House of Parliament ; and it is to these that my suggestion points. I need only instance among those points the new state and condition of the pupil-teachers, the altered relations between managers and teachers, and the proposed mode of examination of the pupils in the elementary schools. As to the questions connected with the system of examination, it will have to be considered whether the examinations

Mr. Pollard-Urquhart

shall be conducted upon the principle, as proposed by Government, of grouping the children according to age, or whether it will not be far preferable to group them in classes. It will also be most important to consider whether the whole amount of the teacher's remuneration shall be dependent upon an examination hastily and imperfectly conducted. I must observe that this provision is entirely at variance with the recommendations of the Royal Commission, upon which Her Majesty's Government profess to found their measure, and it is specifically at variance with the recommendations of the Commissioners that two separate classes of payment should be made. If this were a tentative experiment, liable to be changed from year to year, I might be satisfied to allow it to proceed on the single vote of the other House, and leave the alterations for future consideration. But your Lordships will recollect that it is not a tentative measure. It is intended to be a permanent system, founded mainly upon the recommendations of the Commissioners, whom I had the honour to advise the Crown to appoint, to whose impartiality my noble Friend has borne testimony, and who have displayed the greatest possible ability in collecting and presenting a mass of most valuable materials for our guidance. I cannot help thinking that the whole scheme, so matured, does require to be more seriously and deliberately considered by Parliament than can be the case if it be submitted almost for form's sake in this House, and in a shape in the other House to be simply negatived or adopted. I will do the Government the justice to say that, even at the risk of some further modifications being made, I believe they would prefer that intelligent and deliberate consideration should be given to all the details of the system, rather than it should be hastily adopted without full discussion. I do not ask Her Majesty's Government to introduce a Bill—I do not wish to tie the Privy Council down so closely as they would be tied by the clauses of a Bill—but I do ask the Government to give us an opportunity of discussing the various details which make up this great measure. If they were embodied in a Bill, I dare say your Lordships would readily accept the second reading, and discuss in Committee clause by clause *seriatim* the means by which it was proposed to work out this measure. What I wish the Government to do (and I suggest it for the convenience of the House, and

as the only means of doing justice to the measure and to themselves) is this,—to embody the whole plan in a series of Resolutions, carrying out the various details so as to enable Parliament to deal with them as with the clauses of a Bill. In that mode, and in that mode only, I believe can we come to a discussion of details which it is impossible satisfactorily to discuss in a general debate upon the whole measure. If Her Majesty's Government do not assent to the proposal, it may be said that it is quite in the option of any noble Lord in this House, or any hon. Member in the other House, to suggest Resolutions condemnatory of parts of the measure. My answer to that is, that I should prefer to avoid anything of a controversial or hostile character in the manner in which we approach the discussion of the measure. If you bring forward Resolutions condemnatory of certain portions of the scheme, it is almost impossible but that the discussions must partake of a party character or a supposed party character; whereas, if the whole scheme is submitted by the Government, there can be no such appearance of hostility, and this and the other House will have an opportunity of discussing fairly and impartially every part of a scheme, the importance of which can hardly be overrated, and which ought not to be adopted hastily or without due consideration. The question which I have to ask the noble Earl is, whether, on the part of the Government, he will be prepared to embody the provisions and the leading details of the scheme in a series of Resolutions to be submitted to this and the other House, and thus, upon each part, as well as upon the plan as a whole, to take the deliberate judgment of Parliament.

EARL GRANVILLE: I readily bore my testimony the other evening to the very fair and candid manner in which the noble Earl treated this question, and I am glad to hear to-night that if the scheme of the Government had been proposed in the shape of a Bill he would have been prepared to affirm the principle of the measure by agreeing to the second reading. I am not about to discuss now the amendments and points which the noble Earl suggested, but will content myself with saying that I see no reason why Her Majesty's Government should depart from the usual precedent and custom in the matter. The noble Earl says this Revised Minute is different from any other altera-

tions; but I cannot see that it introduces any great change in the system. It is merely a completion of the former system, and it certainly is not a greater change than the original introduction of the Minutes, when it was agreed that the manner of introducing them should be by laying them on the table of both Houses, and advisedly not in the shape of a Bill. I am happy, therefore, that the noble Earl does not press for the introduction of the Revised Code in the form of a Bill. He suggests, instead, that it should be brought before Parliament in the shape of Resolutions. I am extremely anxious not to avoid discussion, for I think it most desirable that we should have the opinion of Parliament fully expressed on the matter; and, if this opinion could not be obtained except by the Government bringing forward their proposal in the shape of Resolutions, I should hesitate before I declined to take the course suggested. But it appears to me that for the purposes of discussion and eliciting opinions the matter is in precisely the same position as if the Government were to embody their proposals—which I hope will be made perfectly clear by papers which will be laid before you to-morrow—in the shape of Resolutions. There would be many inconveniences attending the embodiment of our proposals in a different form, and I can assure your Lordships that we shall not consider any Resolution proposed in modification of our plan in its form as at all more hostile than an Amendment to a Resolution if we were to introduce it in that shape. We wish that the matter should be thoroughly discussed, and that Parliament should give its opinion upon it, and we shall not take advantage of any technical difficulty to overrule the opinion of Parliament. If both Houses should concur on any point not affecting any great principle of our plan, Her Majesty's Government will be open to take any course they may think most advantageous with regard to it. I believe that great advantage will be given by our plan for discussing any proposition which any independent Member may bring forward, and I do not see what there is to be gained by departing from custom and precedent. With great deference to the noble Earl, I am compelled, therefore, to decline his suggestion, and I cannot pledge myself that the Government will act in any other manner than that which they have already announced to the House.

THE EARL OF CLARENDON AND
COUNT CAVOUR.

PERSONAL EXPLANATIONS.

THE EARL OF CLARENDON: My Lords, although I am afraid it is somewhat late, I hope your Lordships will allow me to trespass on your attention for a short time on a subject which, though personal to myself, is yet of great public importance, and which I regret that, owing to my unavoidable absence, I have not been able sooner to bring under the notice of the House. Your Lordships have probably read some letters of the late Count Cavour which have recently been published in the newspapers; and I can assure you that if any of you in reading those letters have experienced any surprise, it could not have equalled my own. I know not whether those letters are genuine or not, or into what hands they have fallen, nor do I know by whom or with what objects they have been published. With that I have nothing to do. But in those letters certain sayings are attributed to me with respect to which your Lordships and the public have a right to expect some explanation, because at the time those letters purport to have been written, and the conversations are said to have taken place, I had the honour to be Her Majesty's Secretary for Foreign Affairs and the first British Plenipotentiary at the Congress of Paris. In that capacity I think it was my duty to have expressed no opinion, and to have given no advice, without the sanction of the Government of which I formed a part, or which I did not think would be in accordance with the views of the Government. I am, therefore, prepared to take upon myself the entire responsibility of everything which I did say, but I cannot be made responsible for things attributed to me which I did not say. In offering the explanation, however, which you have a right to expect from me, I find myself in a twofold difficulty—first, that of separating what is true from what is incorrect in Count Cavour's letters; and, secondly, the pain and repugnance I feel in contradicting the late Count Cavour. If he had been alive, it would have been comparatively easy for me to have corrected any inaccuracy in his correspondence, and to have accompanied it with such explanation as might be necessary, and the publication of his letters, if authorized by him, would have justified. But as Count Cavour is, unfortun-

nately, no more, I will say nothing beyond what I think strictly necessary for clearing myself from the absurdity—I may say the palpable absurdity—with which, although not directly, yet by implication I am charged. It amounts to this, that I encouraged Count Cavour to pick a quarrel with Austria—in fact, to declare war against her, by an assurance that in such a course of policy Piedmont would have the material support of England. There is much that is true in Count Cavour's letters, and I say so with reference to his account of what fell from him in the Congress when Italian affairs were discussed. From the first meeting of the Congress Count Cavour had constantly urged upon the British and French Plenipotentiaries the necessity of bringing before it the affairs of Italy. We had remarked to him that the Congress was assembled for the purpose of negotiating a treaty of peace with Russia; that to introduce any other subject would be irrelevant and even impossible; in fact, that even after the treaty of peace was concluded it might meet with serious obstacles, because the other Plenipotentiaries might protest, as they did, against the introduction of any other subjects; they might declare their powers limited to the matters for which the Congress was assembled, and that their instructions would not permit them to enter into the subject. Nevertheless, when the treaty was signed, the French and English Plenipotentiaries did bring on a discussion of Italian affairs, and Count Cavour's account of what I said with respect to the Neapolitan and Papal Government is perfectly correct. I neither regret, nor do I wish to retract, one word of what I said, because I felt, as every other Englishman did, the profoundest sympathy for the misgoverned Italians, and an ardent desire to see an alleviation of that system of oppression and tyranny which obtained from one end of the Peninsula to the other, and I thought the Congress in which the principal Powers of Europe were represented was a fitting place for the expression of those opinions. But the result of a long and angry discussion was only that the Austrian Plenipotentiaries agreed with the French Plenipotentiaries that the Pontifical States should be evacuated by the French and Austrian troops as soon as it could be effected without danger to the tranquillity of the country and the consolidation of the authority of the Roman See, and further that most

of the Plenipotentiaries did not question the good effect might arise from measures of clemency. This meagre result not only did not satisfy Count Cavour, but it greatly disappointed him. With his views, looking at the matter both as an Italian and a Piedmontese, his irritation was not unnatural, for his whole heart and soul were set on freeing the North of Italy from the dominion of Austria. He did not conceal his irritation from me. He constantly told me that he could not present himself before the Parliament of Turin unless he proved that he had produced some effect by his presence at the Congress. I was in the habit of seeing him daily, and I willingly listened to him upon the only subject upon which he would converse, and on which he was always earnest and eloquent. But those conversations never appeared to me to be of a character sufficiently practical to make it necessary to report them to Her Majesty's Government. Consequently there is no record of them, though I have searched, nor of those repeated assurances which I gave him that our invariable principle was to maintain our treaty engagements, and to be guided by the principles of international law. At the same time, I did not disguise from him, what he knew and what everybody else knew, that our object at that time was to free Italy from foreign occupation, and to reform the Papal and Neapolitan Governments, and that towards that end the moral support of England would be always forthcoming. Out of the numerous conversations that I had with Count Cavour, the only one I can remember which could—I will not say justify—but give rise to his assertion that I said "If you are in a strait, we shall come to your assistance," had reference, not to a war by Piedmont against Austria, but to an invasion of Piedmont by Austria, which was a fixed idea in Count Cavour's mind. He always thought that the free institutions of Piedmont—her freedom of the press and freedom of debate—even her very prosperity under such a system, would always make her an intolerable neighbour to Austria. I assured Count Cavour that my conversations with Count Buol, though certainly not very satisfactory in general with respect to Italy, entirely confirmed my impression that no such apprehension need be entertained by him; and, upon Count Cavour asking me what course we should take in such an eventuality, I re-

member saying, "If you ask my opinion, I should say that if Austria invaded Piedmont for the purpose of suppressing free institutions there, you would have a practical proof of the feeling of the Parliament and people of England on the subject." Of course I cannot pledge myself to the exact words, but I do feel quite sure about the spirit and scope of my answer. It was a personal opinion given upon an hypothetical case, to which I did not then attach any importance, nor did I know that Count Cavour attached any importance to it until I read these letters, in which he says—

"England, grieved at peace, would with pleasure see an opportunity for a new war, which would be popular because it would be a war for the liberation of Italy."

He then goes on to say—

"If they (Lord Palmerston and his Government) share Clarendon's views, we must make secret preparations, contract the loan for 30,000,000*fr.*, and, upon Della Marmora's return, offer to Austria an *ultimatum* which it will be impossible for her to accept, and open hostilities."

In another letter Count Cavour says—

"Talking with him (Lord Clarendon) as to the means of acting morally and even materially upon Austria, I said to him, 'Send your troops upon men-of-war to Spezzia, and leave your fleet there.' And his answer was, 'The idea is excellent.'"

Now, my Lords, upon my honour I have not the slightest recollection of any such conversation, and, therefore, I cannot deny it; but I think so wild a notion cannot have been seriously entertained even by Count Cavour himself. Bearing in mind the enthusiasm of Count Cavour in favour of his own views, and his ardent desire to make known his activity in the Congress of Paris, and to keep up the spirits of his friends at Turin, I for one—though I have the most reason to complain—can make allowance for these imaginative reports of private conversations contained in letters to his friends and colleagues, but which were evidently not intended for publication. But that I, as one of Her Majesty's Secretaries of State, without any communication from my colleagues, and contrary to the dictates of common sense, knowing that the French Emperor at that time had not the slightest thought or intention of making war against Austria, that he did not then even require her to withdraw her troops from the Legations, until he had withdrawn his own troops from Rome—that I, under such circumstances, should, even in

the most indirect manner, have recommended a country to which we heartily wished well to commit such a suicidal act as going to war with Austria, with her large army under Radetzky, and having the support of Tuscany, Parma, Modena, and Naples—and that, without the shadow of authority for doing so, I should have given any pledge for the support of England in such a policy as would have imbroiled us in war with half Europe—is an absurdity so palpable that I hope your Lordships will think it carries with it its own refutation, without my laying claim to that character for extreme reserve and discretion for which Count Cavour rather paradoxically on that occasion informed his correspondent I was notorious.

TRANSFER OF LAND BILL.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR: My Lords, I rise to claim your Lordships' indulgent hearing for a few observations I am desirous to submit, that your Lordships may be enabled to follow with greater facility the provisions of a Bill relating to the transfer of land that I propose to lay before you. A measure more important to the landed interest has never been presented to Parliament; and therefore it is that I have been desirous it should originate in your Lordships' House, not only because it is largely interested in the question, but because it includes so many competent to discuss it, to consider and to judge of it. I wish the question to be accurately stated, and that the measure should be most deliberately considered; and then, should it be thought worthy to receive your Lordships' approbation, it will go down to the other House with greater authority and a great claim to consideration. The measure is one to give a certainty of title to land. The word "title" here is not intended to signify the right of possession or enjoyment of an estate; it is intended to indicate that evidence which it is incumbent on the owner of an estate to produce, according to law, whenever he makes that estate the subject of a sale, mortgage, or alienation. According to natural law, possession and enjoyment would be a sufficient title or evidence of the right of possession; but the mere possession and enjoyment of a real estate are no evidence of a right to dispose of it. With any ordinary subject of property the actual possession, either by your-

The Earl of Clarendon

self, or by another from whom you have derived it, is accepted by the law; but in the case of a real estate of which you have been possessed for ten or twelve years, if you seek to sell, *that* is no proof of title; and if you urge that the estate was bought ten or twelve years ago from a former owner, still the question is, "But how did that former owner acquire it?" The answer is, perhaps, by will, ten or twelve years previously. But the exigency of the law is not even then satisfied. It requires to know how that owner came into possession of the estate;—and the inquiry goes back by requisition on requisition until it has exhausted the whole period of sixty years, during which you yourself, or those from whom you claim, must not only have had a beneficial enjoyment and possession, but must account for every transaction, and explain every disposition and act of ownership, and show that during this period nothing has occurred that can, by any possibility, interfere with the present title. Now, this is a great evil. I know not that anything similar exists under any other system of jurisprudence. It is a great hardship; and how has it been created? It has been created by the infirmity and imperfection of the law; it has been created because the law has provided no mode of giving certainty to a title; it is the result of having no system or institution by which the title to an estate can be recorded with certainty. Therefore, these obligations have been thrown on proprietors, simply for want of something that would more easily, more perfectly, and more economically demonstrate the right and title of the individual in possession. Why the particular limit of sixty years was first proposed, I cannot say with certainty; but the rule was probably adopted, because that period is so long that, ordinarily speaking, all the transactions that may occur in two generations might be supposed to be included. But nothing in the world can be more fallacious than this rule; your Lordships will perceive it by an example. Suppose a title is produced in 1862, commencing by a purchase made in the year 1802. It may happen—and it may most easily happen—that the individual of whom the estate was purchased was a young man of twenty-three years of age, and who may live more than sixty years after the sale. On his death it may be discovered that in 1802 he was only a tenant for life of the estate under the will of his father; and on his

death the purchaser may be surprised by finding that some other person is entitled to the estate. Then, notwithstanding these difficulties of satisfying all the requisitions of the inquiry into the title, the purchaser would be turned out of his possession; on the death of the seller another person becomes actually the legal possessor. Fifty other cases might be adduced for the purpose of conveying this conclusion—that, injurious and oppressive as the rule is, it fails to accomplish its object and is capable of being easily eluded. But the oppressive duty thrown upon owners of real property in being obliged to make a title for sixty years might be more easily performed if the state of the law were easy and simple in itself. But I am sorry to say the original simplicity of the common law is lost, and that the law has become very complicated and intricate, entirely from the vast variety of interests which in the course of time have been called into existence, and which have now fastened themselves on the land. Thus in proportion to the extent of the interests which have been created in the land is the difficulty of deducing them down, and of explaining the manner in which they have ceased or have become vested in the person under whom the vendor claims. Now, in the original state of our law nothing could be more simple than the title to real estate. The transfer of real property took place in the most open manner—generally before the Earl's or the Sheriff's Court—when a feoffment, that is a conveyance, was made, accompanied by a symbolical delivery of the property in the presence of the assembled freeholders, who were witnesses of the transactions. Then, in truth, property and possession were seldom divided from one another; because the common law, generally speaking, admitted only of such modifications of ownership as were indicated by tenancy for life with remainder to another. The tenant for life was the individual in possession, and the remainderman through attornment of the tenant for life was also in possession in the eye of the law. Thus all transactions were carried on with great simplicity. But in after-years a device was found out which introduced great complexity and difficulty. This device was borrowed from the civil law: by it, in the language of lawyers, the use was severed from the possession—that is, one man might be the visible and common-law owner, another being the beneficiary; one man was re-

garded as holding “to the use” of another, and thus the use, or the beneficial estate, became separated from the common-law ownership. Great difficulties resulted from this introduction of a secret system of uses, and accordingly Parliament came to the aid of the landed interest by a statute passed in the reign of Henry VIII., and called the Statute of Uses. By this statute it was enacted that the possession and the use should always go together—in other words, that there should be no difference between the visible and the actual ownership, and that the one should always accompany the other. This was the step taken, after great consideration, in order to redress the evil which had grown up; and it was supposed that the statute would annihilate the evil. I am sorry to say that the object which Parliament had in view was defeated here, as in many other cases, by what I may be permitted to call the pedantic and narrow-minded interpretation of the Judges of the land. You will find that in the English law nothing has been more fertile of results to be regretted than the attachment of our lawyers to the mediæval logic—the pedantries and puerile metaphysical disquisitions which distinguished what was called the learning of the time. Accordingly, the Judges held that, although the statute transferred the possession to the use, yet if the form of the deed created two successive uses—that is, if the land was given to A, to the use of B, to the use of C—the statute executed only the first use and left the other unaffected. This, of course, left the evil in all its integrity, and opened the door to the entire evasion of the statute by the simple introduction of three words grafting a use upon a use. It is hardly possible to conceive a more puerile device for the purpose of preventing the beneficial operation of the statute. The result was, that we had the legal seizin, then the use, and then a second use grafted upon the first, which was held equivalent to a trust. Thus there arose a worse state of things than before; for, instead of annihilating uses, the only effect of the statute was that they were thenceforward employed in a more formal and complicated manner. Nor did the evil rest there, for the Courts of Equity intervened and enforced these trusts just as they had been previously in the habit of enforcing the use, the consequence being that we got an unfortunate distinction between the legal and the equitable estate, between the jurisdiction of courts

of law and the jurisdiction of courts of equity. The result of the state of things which I have thus imperfectly described was to create two burdens upon the landowner, and to cast upon him two obligations—because he was forced thenceforward to trace the descent and transmission both of the legal and equitable estate; and that which was introduced to relieve the landed interest became the cause and origin of a double burden. Moreover, the Courts of Equity, which undertook the duty of enforcing trusts in real estates, held—not as they might have held, that the trust attached to the person of a trustee, but—that the trust attached to the land itself; and even where there was a trust to divide the produce or to raise money for the portions of younger children, or for the benefit of other individuals, they held that the right to receive so much money was an equitable interest attaching to the land. Now, observe the consequences of that unfortunate doctrine. The owner of land, in travelling back over the 60 years which he has to cover by his evidence is compelled to trace every single case of a portion or a money charge directed to be paid and satisfied out of the land—to trace the individual entitled to it, to produce the release of it, and prove that the land is emancipated from the charge. Your Lordships will easily understand the operation of this doctrine, that a trust attached to the land and not to the person. If you create a settlement or disposition by a sum of money invested in Consols, which you invest in the names of trustees, the trust affects only the person of the trustees, and does not fasten upon the Consols. The difference is great indeed. The title to the stock is manifested by the possession and by the entries in the books of the Bank of England; and although the stock may be held upon 100 trusts, the concurrence of no one of these beneficiaries is necessary for the transfer of the stock. Now, in a trust of land the concurrence of all the beneficiaries is necessary for its effective transfer. A great burden is cast upon the owner of real property by this unfortunate course of procedure. It would seem as though the Legislature were deterred from any further attempt to remedy the evil, seeing their efforts had been baffled in the manner I have described. From that time the landed interest has crouched down and bent low under the double burden which was cast upon it; and that is the position in which things stand at the present moment.

The Lord Chancellor

The extent of the evil, however, does not rest there; because a landed proprietor being obliged to demonstrate his title for sixty years, if the law had benevolently provided any mode of doing this efficiently, or of recording the result of that investigation—if any machinery had been contrived to stamp his title, when once ascertained, with the sterling mark of being valid and good—the evil might then have been easily borne. But unfortunately nothing of the kind is known to our law; and therefore if a landed proprietor disposes of a farm, the title to which is thoroughly investigated and is accepted by the purchaser, and next day wishes to sell another farm which he holds under exactly the same title, he gains not one particle of benefit from the expense of the first investigation, but the same inquiries must be made by the second purchaser, and the same expense must be borne before the title to the second farm can be perfected. And so on *ad infinitum*, nothing being gained by the labour and expense to which you have been subjected, save only that you may have in the second case more ready means of repeating the process, and of complying with the requisitions made, than you had before.

There is another grievance of which we have now to complain, but which I hope from this day we may see some chance of removing. I can hardly denominate it by any other name than the tyranny of parchment deeds. The wonderful invention of printing rendered the extension of information a matter of great facility in every branch of knowledge but the law, for the lawyers repudiated it altogether. If, when the art of printing was introduced, deeds had been permitted to be printed, as they might well have been, one effect would have been that we should have got rid of much perverse obscurity and the constant repetitions with which parchment deeds are encumbered. Not only so, but all deeds would have been brought into a simple and readily accessible form. Instead of requiring large and expensively-constructed muniment rooms, all titles to estates might have been bound up in a few volumes, the liability to error that now exists would have been entirely avoided, and I may venture to add that a great part of the litigation which has been produced from the difficulties of discovering the meaning and effect of deeds would have been prevented. Not only so, but a great part of the expense attending an alienation of land would have

been got rid of. For what is now the practice? When you sell an estate, you are obliged to have all the parchments relating to it collected together, first for your solicitor to examine, and then to prepare an abstract. That abstract is handed to the purchaser, who, however, also must see the original parchments, to ascertain whether the abstract contains a faithful and true account of all transactions. This is an expensive and tedious process, and I put it to your Lordships whether much of these inconveniences would not have been avoided if title deeds to estates had been printed upon simple pieces of paper. There would have been no difficulty in perusing them or in ascertaining the meaning—it would have been the easiest, the simplest, and the most economical proceeding, as I think must be obvious to every one. It is surprising that this, which is so obvious, has never been attempted. Deeds might be printed at one-half the expense at which they are engrossed. Not only might deeds be printed, but, as I have ventured already to observe, they would then be reduced one-half in size. There is nothing in my professional life to which I look back with so much pleasure as the efforts I made, and successfully, to introduce into the Court of Chancery the practice of printing bills and proceedings; but so great was the prejudice, that when I ventured to propose it as a thing most necessary to be done, there was not a single one of my colleagues upon the Commission who could give me the slightest hope that the thing could be done, or that it would produce any benefit. It was at length partly recommended out of consideration to myself. I think, however, now I may venture to say that that change has been productive of the greatest possible benefit in the Court of Chancery; and I may refer to it as evidencing what I said just now concerning deeds, that it has got rid of the cumbrous, prolix, and tautological repetitions in bills, and has reduced the size of those bills at least one-third, while the statements contained in them are couched in plain and intelligible language. I refer to this because you will find that one of the provisions by which I propose to work the measure which I shall have the honour of submitting is that in future all deeds relating to estates shall be printed.

The question, and it is a most important one, is in what way shall we meet the evils which I have described. In the first place they are to be met and

removed, I think, without making any material change in the law. I do not want to introduce any alteration in the system of legal rights of ownership. I want only to introduce alterations in the mode of perfecting and manifesting titles, to facilitate the disposition of estates, and to bring them as near as possible into a condition of easy alienation, so that land may be dealt with with almost the same facility as ships or railway property, or shares in public companies, or the enormous amount of wealth invested in Government securities. I approach this subject with great confidence in the present day, because of our experience of that very great and beneficent measure that was passed some years ago for the sister country, and which has been attended by so great success. Your Lordships know that when the Encumbered Estates Court was instituted it was upon the principle that the Court should examine the titles of those who had recourse to it for the sale of estates, should put up the lands for sale, and should give to the purchaser a clear title, writing the name of the owner upon a piece of paper, which was to start him anew, and give him a complete title—a statutory title against all the world without the necessity of any retrospective investigation. Well, now the success that has attended the operations of that Court is so far an assurance to us that the first step of obtaining a statutory title is a feasible and a beneficial proposition. The great difficulty still remains of providing an instrument that shall not only provide a statutory title, but shall also contain within itself the means of recording and preserving the evidence of the title, so that it may be reproduced at any time whenever it may be required. The purchaser from the Landed Estates Court takes, it is true, a statutory title; but when he proceeds to deal with the land it is in the same position as before, and in the course of a few years the title he has obtained becomes obscure from a great number of subsequent transactions, and the law has provided no mode of keeping up a record, preserving the proof of the title, and of the subsequent transactions, so that at any time the exact state of the title to the estate could be ascertained and reduced to a simple statement upon a piece of paper, which might be given to the owner, and thus enable him to dispose of the land. I want to construct a legal instrument that shall not only enable a man to obtain a

statutory title at the present time, but which shall enable him to give from time to time entries of the results of all future transactions and dealings with the land; so that the owner of the estate may at any time send to the registry, and if he wanted to sell might obtain a special certificate of title. He can then go into the market with that certificate, and a purchaser may safely deal with the estate, the simple certificate obviating the necessity for the difficult and cumbrous and expensive investigations that are now required.

Your Lordships will now allow me to explain what is the form of the machinery of this Bill, and in what manner the instrument may be expected to work, in order to accomplish these several objects—first, to ascertain whether there is a good statutory title; second, to preserve the proof of all subsequent dealings with the land, so that the nature of the real existing interests on the estate may at any time be ascertained; and thirdly, to provide a mode by which all those dealings with land which the convenience or the necessities of mankind require may be most easily and readily transferred to the record of the Court, and kept there for future reference. I propose in the Bill to establish a registry, which is divided into two parts; one is a registry of guaranteed titles—that is statutory, indefeasible titles; the other is a registry of titles not guaranteed, which are to be put upon the registry with a view to become Parliamentary and indefeasible when by a course of long enjoyment they may become so entitled. Now, what is to be done by a proprietor to entitle himself to place his land upon the register, in order to obtain a Parliamentary title? There must, of course, be a most rigid examination of the title, but it will be an examination once for all. Instead of the process having to be gone through repeatedly, it will be gone through once for all. And it will be done not in a manner that will divulge to all the world the results of the investigation, but by officers of trust, sworn to their duty, and performing it under a great sense of responsibility. Therefore, precisely the same steps which you would have to take if you sold a farm or a particular estate to a purchaser, you would have to take when you submit your title to the registrar with the view to having it recorded on the register. The registrar will, if requisite, have the aid of the Court of Chancery to enable him to examine the title. And when I speak of

the Court of Chancery, your Lordships will recollect that I do not mean that to obtain the assistance of that Court it will be necessary to have recourse to a suit for that purpose. A great part of the business of that tribunal, by the improvements previously effected in its procedure, is transacted by the Judges of that Court sitting in chambers; and so, if any question of difficulty arises in the investigation of a title, resort will be had at once not only to the public court, but to a Chancery Judge sitting in chambers. Well, supposing the registrar to arrive at the conclusion that the title is a marketable title and one fit to be placed upon the register, it will then be necessary to attend—and it is a most important duty—to the description of the estate which is to be put upon that record. And here I admit that there is great difficulty and great nicety. The difficulty—and I do not shrink from the statement of it—is this:—If I describe on this sheet of paper an estate as belonging to a particular owner, and represent that his title to it is demonstrated, and therefore to be made statutory, it might so happen that in the description of that estate I might include part of his neighbour's property. I might, in fact, include in the description something that did not belong to him. Now, I beg your Lordships to remember that this same difficulty occurs in regard to all the proceedings of the Irish Encumbered Estates Court; and although that Court has effectually sold and conveyed more, I believe, than one-third of the whole area of Ireland, yet I have never heard a suggestion of any error of the kind we are now considering having been committed by that tribunal, except in one isolated instance. But I have sought to devise with the greatest possible care—and it will also be for your Lordships if you permit this Bill to go into Select Committee to devise—proper safeguards against this danger. The description is to be given to the registrar, and if he approves of the title, he will advertise that description. Nay, more, I require that a copy of the description shall be served upon every one of the adjoining owners. Each adjoining proprietor, therefore, will have an interest in checking its accuracy. Attention will be drawn, by public advertisement, to the fact of land described in a particular form being proposed to be put upon the register, and the safeguards that now exist in Ireland, and which have there been found

effectual for their purpose, will be as nothing compared with the precautions which I believe this measure will create. Assuming, then, that the description has been settled, and that it is entered on the register; the peculiarity of the Bill which I now present lies, among other things, in this—that I do not require the estate so described to be entered in any particular name, or at all to be registered in the names of trustees. And this brings me to a distinguishing feature of the measure, to which I solicit your Lordships' attention, and which I will endeavour, as far as I can, to make clear to all who hear me. My Lords, when the notion of a register of titles was originally broached, it was thought to be necessary that the estates should be registered merely in the names of trustees; in other words, we all at that day thought that we could not do other than follow the analogy of stock in the public funds. If stock in the public funds be held upon the trusts of a marriage settlement, it must be registered in the names of the trustees of the settlement; but then the beneficial owners have no security for their property except by a practice which exists at the Bank of England of entering what is called a *caveat*—that is, a notice to the Bank not to permit a transfer of the stock without giving information of the intention to effect such transfer to the beneficial owners. Accordingly, down to the present time, the only attempt at establishing a registry of titles has proceeded upon the principle of entering the land upon the register in the name of trustees, and of then depending for the security of all the actual owners upon a system of *caveats* or inhibitions, which were to be served upon the registrar, in order to prevent any improper dealing with the property. When, in 1846, your Lordships appointed a Select Committee of your House to consider the burdens upon land, among the Committee's recommendations was one for the improvement of the law of real property, by the simplification of titles and of the forms of conveyance, and by the establishment of some effective system for the registration of deeds. The only idea of registration entertained for a lengthened period after the date of that recommendation was the registration of assurances—the registration of deeds, not of titles. In 1853 a Bill for the registration of deeds passed your Lordships' House. It came down to the other House, and I felt that individually I could not take any part in support of that mea-

sure. The measure was referred to a Select Committee, and I had the honour of bringing before that Committee the plan which I had then formed for the registration of titles. But that plan consisted merely of this—the putting of certain names upon the registry as if they were the absolute owners of the fee simple of the estate, and letting all persons who had partial interests in the property depend for their security upon the system of *caveats* and checks. I have always felt that that was a very imperfect mode of proceeding, because, as your Lordships will observe, a registry so constructed gives no proof whatever of any equitable interest, nor does it in the smallest degree facilitate the proof of title to any equitable estate. It converts all the legal ownerships into trust estates, and compels you to deprive yourself of the actual legal ownership, in order to enter it in the name of trustees. It also provides no mode by which the register can give evidence of the actual state of the ownership, for if it were desired that the parties registered as owners should sell the estate, the registrar would be under the necessity of convening in Court all the parties entitled to the equitable estate before he could give authority to the registered owner to dispose of the property at all. Therefore, all the dealings with the equitable estate would still remain a mass of documents, without any means of registering them or ascertaining their effect, or of preserving the deeds, and you would have, as often as you wanted to sell or mortgage any land, to go through the same process of making an examination of the whole of the subsequent transactions, and incurring the same expense and difficulty—in a modified degree certainly—as attended the original placing of the estate on the register. Recollecting these great drawbacks to a registration of titles, I have endeavoured in the present Bill to provide a mode of producing evidence of the actual state of the title from time to time, according as it may be affected by subsequent transactions. Let me illustrate the working of this by a familiar example. Suppose that the first investigation of a title brings you to the conclusion that the ownership of the land is vested in a tenant for life with remainder to trustees for a term of years in order to raise a jointure on the property for the wife, with remainder to trustees for another term of years to raise portions for the daughters, with remainder to the sons, &c. The Re-

gistrar accordingly will place the description of the estate in one registry—namely, “The Registry of Estates.” The number under which that is entered will refer to a corresponding number in another book called “The Record of Titles;” and in the book constituting the record of titles will be entered exactly the result of the limitations and investigation which I have described. Any change of ownership existing in fact can be most easily ascertained. It will be transferred to the record. But suppose a difficulty arising in this way. Suppose the transmission of the interest on the estate is affected by a deed or by a will of difficult, ambiguous, or uncertain construction. The question may be asked, Will you make the Registrar the judge of the question? Is he to determine the effect of the will? Undoubtedly not. I provide, my Lords, immediate means of having any question stated and conditionally determined. But it may be said, why should you drive the parties to litigation for that purpose? I provide for that also. Because, if a deed or will make any alteration in the record necessary—a deed or will which is of difficult construction, and which the purchaser does not desire to have considered or determined—the Registrar will make out the record in the very language of the will, and the only result will be to leave its true construction unascertained. This, in point of fact, is a recommendation instead of an objection to the proposal. There will be a third registry, namely, a “Registry of Mortgages and Encumbrances.” I hope your Lordships will follow me for a few moments while I describe the mode in which this part of the measure will operate. Suppose an estate is put on the registry, and that on the record of title an individual is described as tenant for life, another is described as tenant in remainder, and that on the registry of charges or encumbrances there is a mortgage of £5,000. The owner is desirous of selling the estate, the purchaser agrees on the price, a conveyance is to be effected. The parties may come to the office of the Registrar, either by themselves or by their attorneys. The question is put to the Registrar whether a good conveyance can be made of that estate with a Parliamentary title. The Registrar says that a good conveyance can be made. Then I provide a statutory form of conveyance, which runs in these terms:—“We A. B. and C. D., in consideration of

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£5,000 paid to us, grant to the purchaser and his heirs for ever [all the lands and hereditaments described in the registry under a particular number].” The estate is transferred, and the transaction is closed, in the same way in which a transfer is made of £20,000 Consols at the Bank of England. The transfer is effected precisely in the same manner, without any more difficulty or impediment and without any greater lapse of time. But, supposing the parties do not wish to come up to the Registry Office, the owner of the estate may have a certificate from the Registrar—which certificate shall on one page contain the description of the estate, on another page the result of the recorded title—that is, a simple and clear manifestation of the existing ownership; and on the third page a description of the charges and encumbrances affecting the estate; and together with the certificate of title the registrar sends this simple form of conveyance. I provide that alter the certificate of title has been given there shall be no entry on the registry with regard to the estate without delivering it up, in order to prevent the possibility of fraud, which is now very easy under the existing registries. In this way there will be perfect certainty that in the interval no change has taken place which in the slightest degree affects the exact state of the ownership. I want to supersede the parchment titles to an estate; but I should be extremely sorry in the slightest degree to interfere with one of the easiest modes of raising money, in which a proprietor of an estate goes to his banker and says, “Take these deeds into your possession and advance me £10,000 on their security.” That is a mortgage by the deposit of title deeds, or an equitable mortgage—a most convenient mode of raising money. Notoriety is dispensed with, and the accommodation afforded with every security to the lender. Now, I provide that in lieu of the parchment deeds, which are rendered superfluous, the certificate of ownership of the estate may, in like manner, be deposited with a banker, and to all intents and purposes give the same lien on the estate as if the whole title deeds of the estate had been deposited. If this measure be adopted, there will not, therefore, be the smallest difficulty or impediment in the way of such transactions. All that will be done will be to supersede and dispense with the mass of useless, cumbersome, and obscure parchment deeds, and to provide a substitute of the most simple,

the most certain, and the most easily accessible character. The whole machinery will be arranged, and every means tried so as, I believe, to leave no room or opening for fraud. The only possibility of danger that I can foresee may be this, that in the first investigation of title there may, perchance, be some latent right that may not be discovered till after the estate has been absolutely disposed of. I do not propose that a Parliamentary title should be given till the estate has been sold or mortgaged for valuable consideration. The object being to give greater facility of dealing with the estate, it would be unjust to give perfect immunity until the owner has made the registry the means of selling or disposing of his property. The moment he has sold it to a purchaser for valuable consideration the statutory title will arise. During the last quarter of a century I may say that a million of purchases of land have been made for railway purposes. The railway companies are subject to the obligation I have mentioned, and if any dormant interest arises with respect to the land taken by them, which had not been ascertained and provided for at the time of the purchase, they are made liable to pay for it. Yet, so few are the instances of that kind which have occurred, that I hardly venture to mention the number, lest it should seem too inconsiderable to be credited. I believe that not more than a dozen discoveries of latent interests have been made during the last twenty-five years. It is not probable, therefore, that we shall have much difficulty in this respect. With regard to registration, I propose, of course, that it should be voluntary; but after an estate has once been put upon the register it must remain there until, by the application of all the persons interested in it, it is desired to be taken off. At any time it may thus be removed from the register. The great benefit attending the proposed registration without a guarantee of title would be, that an accurate record would be kept of all the future dealings with the land, and after the lapse of a certain number of years, which may be defined by the judge or the registrar when the title is put upon the register, the non-guaranteed title would pass into the category of statutory titles.

There are many other provisions in the Bill which I should have liked to describe to your Lordships; but I am afraid I have already trespassed too long upon your attention, and therefore I shall only add

that, in addition to the ordinary mode of registration, there are two other methods provided by the Bill. One is the registration of an estate under a decree of the Court of Chancery, and the other is a power given to that Court of selling an estate with a Parliamentary title. Either of them may be advantageously resorted to in cases where the parties may not be desirous of subjecting their titles to the examination which must take place in the case of a private registration. I propose to extend registration to freehold land, and also to leasehold estates; but to copyhold land I do not propose to extend it. One peculiarity of the Bill is, that it will be worked through the existing courts. In that respect it differs from the measure brought forward some time ago by Sir Hugh Cairns. I am afraid, if I were to adopt his proposal, there would always be conflicts of jurisdiction, and it is better, therefore, as well as easier, to work the measure by the judicial aid we already possess. The Bill, of course, will come gradually into operation; and if it should be accepted generally, it may be necessary to have local registries in aid of the metropolitan registry. Allow me, in conclusion, to entreat your Lordships to give this measure your most favourable consideration, remembering always that no reform or amendment of the law was ever perfect at first. All perfect inventions have their origin in crude designs, which are matured and completed by experience. The present Bill is directed to an end which it has been the desire of almost all who have considered the subject for the last 200 years to see accomplished. I hope, therefore, that your Lordships will address yourselves to the work, not frightened by any superstitious terror with respect to the alterations which you may be called upon to make, but with the conviction that there is a great existing evil which has grown up from accidental circumstances and from neglect, and which may be removed if there be a union of fairness and firmness, of skill and courage, such as I think will be found among your Lordships, with an earnest desire to grapple with the difficulty and to devise the remedy.

The noble and learned Lord then *presented* a Bill to facilitate the Proof of Title to and the Conveyance of Real Estates.

LORD ST. LEONARDS said, he was sure their Lordships were thankful to his noble and learned Friend for his singularly able and lucid explanation of a very im-

portant Bill. It had been his fate for the last thirty years to oppose all Bills for the registration of assurances. Opposed as he had been to the general sense of the members both in their Lordships' House and in the other House of Parliament, he believed there was now an almost universal concurrence of opinion that nothing was more mischievous than a general registration of assurances. He never had any objection to registration as such. His objection was that he saw more evil springing from it than it would remedy; that the expense would be enormous, and the benefit doubtful. If the object which his noble and learned Friend had in view—a registration of titles—could be accomplished without its degenerating, as he feared would happen without great care, into a registration of assurances, no one would accept it more willingly than he. Indeed, one great object of his life had been to give security to purchasers. His noble and learned Friend, in treating of the origin of uses and trusts, had lamented that legal and equitable estates should have been allowed to co-exist, but in that respect he could not agree with him. Without that division the ordinary settlement upon a marriage could not be carried out. The settlor desires to keep the legal freehold in himself for life, and then to go to his sons; but he also desires to secure upon the estate a jointure rent-charge for his wife, and portions for his younger children; and these latter objects are accomplished by limiting terms of years to trustees for securing the jointure and raising the portions, so that the legal terms of years are vested in the trustees upon the trusts. His noble and learned Friend had shown the great anomaly of requiring a sixty years' possession before a man could make a good title. There could be no doubt that that term was originally taken with a view to the probable duration of human life. But what happened in their Lordships' House two years ago, when he himself brought forward a well-matured scheme for shortening the time of limitation by reducing it to thirty years with every possible safeguard for all the interests that might exist; and this enabled him to propose that a seller should no longer be bound to produce a title for sixty years, but for forty years only. The saving to owners of property upon sales would have indeed been great. He believed, after what he had heard from his noble and learned

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Friend that evening, that he should have had his cordial support if he had had a seat in their Lordships' House at that time; but both sides of the House were decidedly against him, and the law remained unaltered, to the great cost of the landed interest. The law of England enabled every man to remain in possession of his estate, to have every right and power he could wish for, and yet to secure that estate in succession for his children and grandchildren. There was no system of registration by which he could be enabled to do this. They not only wanted to preserve the inheritance, but to provide for the widow and the children afterwards. This was the excellent form of settlement which prevailed in England, and which no other country in the world enjoyed besides. It was notorious that the clergy invented the doctrine of uses in order to keep trusts secret; but a Court of Equity compelled them to reveal the trusts, and when this was ignored at common law, Courts of Equity did no more than support uses under another name. Upon this particular subject there had been a great variety of suggestions. Their Lordships sent down a Bill for registration of assurances to the other House. Upon that occasion he divided the House unsuccessfully against the Bill. The House of Commons did not sanction that Bill, but a Commission was issued to inquire into registration of title. That Commission reported in favour of a scheme entirely different from that now proposed. Their scheme was to have a representative of the fee simple, and no one else, upon the register; there was to be no equitable interest on the register; so that the estates of any one of their Lordships might stand registered in the name of John Doe or Richard Roe, and the real owner appear to be entirely divested of his interest. The scheme brought forward last year by his (Lord St. Leonards') Friend Sir Hugh Cairns was a scheme which he (Lord St. Leonards) certainly did not approve, so far as it established an absolutely new court; in other words, a Landed Estate Court. The title then also, as he understood, was intended to be conferred upon a sole owner; but that owner was still subject to equitable charges, kept in a distinct manner. He preferred the scheme now presented by his noble and learned Friend on the Woolsack to either of these. The present Bill was, as it ought to be, altogether permissive. Nobody must, but every man might, avail himself of its provisions. The Bill of his noble

and learned Friend very properly left to every man the same power of charging, conveying, and devising his estate as he had at present. The Bill left all the law of England to operate upon the estate, with regard to encumbrances of every sort just as it found it. Therefore, it was not taking away from a man a power of any description either to devise or sell, or otherwise encumber his estate. The proposition was to enable a man to obtain an indefeasible title so as to vest it in a purchaser, and to continue that character or faculty of indefeasibility throughout; yet with a power to the proprietor, with the consent of all persons who may appear upon the register to be interested in the land to remove it from the register, and close the register altogether as respects such land. Now let their Lordships see at what expense this was to be attained. It was not a new proposition, because in the report of the Commission, they referred to the very question of insurance of title, of coming upon the Consolidated Fund for the compensation of anybody who was damaged by the operation of the Bill. There was a great difference of opinion, but the majority of the Commissioners were in favour of this proposition. His noble and learned Friend had provided that when a man desired to get upon the register he had to pay a certain sum, not now stated, but evidently upon an *ad valorem* scale; those sums were to be paid into the Consolidated Fund, and then there was this proviso, that if any person was damaged by the title having been declared indefeasible, so as to exclude a rightful claimant, that claimant might come upon the Consolidated Fund. In other words, the State opened an insurance office for title, throwing the burden of loss, which could not now be estimated, upon the public. Now, certainly his noble and learned Friend, must have much more influence with his colleague, the Chancellor of the Exchequer, than he (Lord St. Leonards) believed he could have, if he persuaded him to endeavour to get the consent of Parliament to this. Some of their Lordships might be aware that there existed a society which professed to guarantee titles. This society knew that a title which was a very bad marketable title was yet a very good holding title, and they offered accordingly for so much per cent to guarantee the title. Thus there was already a mode in existence of insuring a title without having recourse

to the Consolidated Fund. He was not till this moment aware [the Lord Chancellor so intimated to the noble and learned Lord] that the Bill invited men settling their estates on marriage to have recourse to the register. Suppose the settlor's attorney to advise him to apply to the Court for a title, he would naturally say, "What! do you doubt my title?" "Oh, no," would be the reply. "Then why apply to give me a title when I already have it?" "Ay," the attorney says, "but you may want to sell." "To sell!" says the owner. "I never mean an acre of my estate to be sold from my sons and my sons' sons, to the latest generation, as far as the law will permit it to remain in settlement." There were two classes of persons who were invited to avail themselves of this registry. The first comprised those persons who had such a title as the Court of Chancery would compel a purchaser to take. The second was of those who could show no such title; but who were only required to show a ten years' possession, and to prove their descent, or to produce the last deed or will under which they claimed. Let their Lordships take the first class. If any man wished to have the benefit of this Bill, the first thing he would do would be to lay an abstract before counsel, in order that counsel might tell him whether or not he had such a title as the Court of Chancery would compel a purchaser to take. But if he went and heedlessly asserted his own ability to make such a title as the Court would enforce, and he failed, observe how he damned his own title. Everybody would know that he was not in a position to sell. But suppose, on the other hand, counsel was satisfied with his power of making a marketable title, the registrar would not be satisfied with that opinion of counsel, and the inquiry must be made over again. For every new transaction a fresh investigation must take place into the title, in order to see what was the nature of the title to be put upon the record. At every change of ownership the same process must be gone through as if a man were then first putting his title upon the register. His noble and learned Friend would understand him as not speaking against his Bill, but pointing out the difficulties which stood in its way. The principle of the scheme might be right, but whether it was possible or not to be carried out it was difficult to say. In fact, the continuance of an indefeasible title was almost impossible.

If a man bought, he paid for the insurance. Soon afterwards he sold; the purchaser took the same title, but had the same duty to pay for his insurance; and thus the State became the insurer of title, to an enormous amount. The other class of persons to whom he had referred was one to whom the power of making use of the Bill was, as it should be, equally permissive. They were not bound to take the benefit of it, and they could not do so unless they were standing in a very peculiar position. They were only required to have ten years' possession, and to prove their title by descent, or by production of the last deed or will. But that class was not guaranteed—they were put upon the register unguaranteed; but in course of time they might claim to be guaranteed, and it would be found, he thought, impracticable to fix the proper period. In conclusion, the noble and learned Lord said, he willingly undertook to give his best assistance in Committee to render the scheme as perfect as possible, but he reserved to himself the unfettered right, if the Bill came back to the House, to take such course in regard to its future progress as his duty might seem to him to require.

LORD CRANWORTH said, the state of the House was not very encouraging to any discussion of the noble and learned Lord's Measure. With regard to the first part of the noble and learned Lord's Bill, which related to procuring a Parliamentary title, he was disposed to concur; but with regard to the latter portion of the measure, though the noble and learned Lord had made his statement in a singularly clear and lucid manner, yet, notwithstanding, he was unable then to enter into any discussion of the Bill, because he could not comprehend it. He was convinced that if anything could have made the subject clear the noble and learned Lord's statement would have done it, but to discuss the Bill they must have the details before them. He had himself proposed a measure that had the first object in view, that of procuring a Parliamentary title, just before he quitted the Great Seal. He had often had the question before him, and he had employed the leisure of the recess in preparing two measures in reference to it, which he would ask leave to lay on the table. By the consent of the noble and learned Lord he should have an opportunity of explaining the provisions of these Bills before the second reading of the present measure.

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LORD CHELMSFORD thought the state of the House was accounted for by the fact of those noble Lords who had an interest in the Bill having been satisfied with the noble and learned Lord's statement, and knowing that the proper time for discussing its principles and details had not arrived. He was not opposed to any measure for the simplification and registration of titles, as contradistinguished from the registration of assurances. From what the noble and learned Lord had stated, he understood it to be his intention to refer his Bill to a Select Committee. On a question so difficult and important it was desirable that every plan should be laid before that Committee, that it might adopt either one of them, or a union of several that might produce a satisfactory measure. With that intention he proposed also to lay on the table the two Bills introduced by the Government of which he was a Member. These, with the two Bills of the noble and learned Lord opposite, and the measure of the noble Lord on the Wool-sack, might all be considered by the Committee. He was most anxious that some satisfactory measure should be adopted.

THE LORD CHANCELLOR, in reply, thanked their Lordships for the reception which had been given to his statement, and said he was glad that his noble and learned Friends intended to lay their various Bills upon the table. With regard to the Bill of his noble and learned Friend (Lord Chelmsford), there was very little antagonism between that Bill and his own, both being derived from one common source—namely, the Report of the Commission.

Bill read 1^a.

IRELAND—PETER CASSELS.

MOTION FOR PAPERS.

THE EARL OF LEITRIM *moved*, That an humble Address be presented to Her Majesty for,

"1. Copy of the Informations of Peter Cassels of Bohey in the County of Leitrim, Complainant, against Michael Quinn and Peter Reynolds, Defendants, taken by William Percy Jones, Esquire, a Justice of the Peace for the County of Leitrim, on the 17th Day of January, 1861.

"2. Copy of the Proceedings at Petty Sessions in Mohill on the 22nd Day of January, 1861, in the Case of Bryan Quinn of Bohey, Complainant, v. Peter Cassels, John Cassels, and Hugh Cassels, all of Bohey in the County of Leitrim, Defendants; with a Copy of the Complaint, the Names of the Witnesses, the Names of the Magistrates present at the Hearing of this Complaint, and the Particulars of their Order thereupon.

"3. Copy of the Recognizance entered into by Peter Cassels of Bohey on or about the 2nd Day of April, 1861, before C. Degernon, Esq., Stipendiary Magistrate, binding him to prosecute Michael Quinn and Peter Reynolds at the following Quarter Sessions of the Peace at Ballinamore in the County of Leitrim on or about the 6th Day of April, 1861.

"4. Copy of the Indictment at the Quarter Sessions of the Peace on or about the 6th of April, 1861, against Michael Quinn and Peter Reynolds, to the following Effect:—

1st Count, for Assault on Peter Cassels, endangering Life;

2nd and 3rd Counts, for Assault inflicting grievous bodily Harm;

4th Count, for stabbing;

5th Count, for Assault occasioning actual bodily Harm;

6th Count, for a Common Assault;

together with the Finding of the Jury on the Trial of the said Michael Quinn and Peter Reynolds.

And Copy of any Correspondence with Her Majesty's Government on the Subject."

Motion agreed to.

Declaration of Title Bill; Security of Purchasers Bill, were severally *presented* by the Lord Cranworth; and read 1^a.

Title to Landed Estates Bill; Registry of Landed Estates, Bill were severally *presented* by the Lord Chelmsford; and read 1^a.

House adjourned at Eight o'clock,
till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, February 17, 1862.

MINUTES.]—NEW MEMBER SWORN.—For Great Grimsby, John Chapman, esquire.

PUBLIC BILL.—2^o Parochial Assessments.

REFORM OF THE ECCLESIASTICAL COURTS.—QUESTION.

MR. HENRY D. SEYMOUR rose to ask the Secretary of State for the Home Department, Whether the Government have received from the English and Irish Prelates any heads of a measure for the Reform of the Ecclesiastical Courts. He wished to know also whether, if the Government have received the heads of the proposed measure from the English Prelates alone, they intend to communicate with the Irish Prelates on the subject?

SIR GEORGE GREY replied, that the Bishop of London had informed the Lord Chancellor that a measure was under the consideration of some of the Bishops for the amendment of the Church Discipline Acts, and on Saturday Dr. Twiss, the Vicar General for the province of Canter-

bury, had communicated to the Lord Chancellor the copy of a Bill which he informed him had been approved by the two Archbishops and fifteen of the Bishops, and which would be communicated to the remainder of the Prelates; but as the Bill had only been in the hands of the Lord Chancellor forty-eight hours, it could not of course have yet been considered by the Government. He (Sir George Grey) had previously been in communication with the Lord Chancellor on this subject, and his hon. and learned Friend the Solicitor General had given much attention to the subject during the recess, and he hoped that a Bill dealing with the question would be proposed during the present Session. He was unable to give a specific answer to the latter part of the hon. Gentleman's question as to communication with the Irish Prelates.

LAW OF BANKRUPTCY.—QUESTION.

MR. MURRAY said, he would beg to ask Mr. Attorney General, Whether it is the intention of Her Majesty's Government to introduce a Bill to consolidate the Laws relating to Bankruptcy?

THE ATTORNEY GENERAL said, he had to state that it was not the intention of Her Majesty's Government during the present Session to introduce any measure for the amendment of the Law of Bankruptcy.

ATLANTIC ROYAL MAIL COMPANY.

QUESTION.

LORD DUNKELLIN said, he would beg to ask the First Lord of the Treasury, Whether he has received any communication from the Atlantic Royal Mail Company relating to the present position and prospects of the Company; and, if so, whether he would have any objection to state the purport of such communication to the House?

VISCOUNT PALMERSTON: Sir, I have received a written communication from that Company, but I had rather not state its substance, because one is always apt to overstate or understate what parties may think important. If my noble Friend will move for the production of the Paper, I shall have no objection to lay it on the table.

EXHIBITION OF 1862—ROAD THROUGH KENSINGTON GARDENS.

QUESTION.

MR. DAMER said, he wished to ask the

First Commissioner of Works, Whether it would not be expedient to save expense by opening the road through Kensington Gardens from Bayswater to the Iron Gates in Rotten Row, nearly opposite the Exhibition building of 1862, to carriages, as it was to equestrians during the period of the Exhibition of 1851?

MR. COWPER said, that very often inconsiderate attempts at economy led to extravagance, and he was afraid that in this instance the economy would not be as great as the hon. Member supposed. The gravel walk to which the hon. Member alluded was a walk only made for the use of pedestrians. It would not bear the wear and tear of carriages during the five months of the Exhibition, and it would cost as much to make a sufficient road for those five months as for a longer period. Therefore, he believed that there would be economy in combining a temporary road with the permanent communication required for access to the Horticultural Gardens and the buildings on the Gore House Estate.

Afterwards,—

LORD FERMOY said, he wished to ask the First Commissioner of Works, Whether any plan has been adopted for the formation of the Road to connect Bayswater with Kensington; and, if so, whether it will pass through Kensington Gardens or take the line approved of by the Metropolitan Board of Works, avoiding Kensington Gardens and not materially interfering with Hyde Park. He should also like to know whether, as the cost of the road is to be defrayed out of the Coal Tax, the right hon. Gentleman does not think that it would be fair to leave the expenditure of the money in the hands of the Metropolitan Board, who are the representatives of the ratepayers?

MR. COWPER said, the plan that would be adopted would cross Kensington Gardens. The route that he understood his noble Friend to refer to would require the Serpentine to be crossed. There were three ways in which that crossing could be effected. One was by means of a tunnel under the river, another was the erection of a new bridge, and a third was the widening of the existing bridge. Either of these three operations would involve so great a delay that the road could not possibly be ready until the Exhibition had closed. It would besides involve an expense which the funds which were intended to be appropriated to the purpose

would not bear. With regard to the second portion of the question, he (Mr. Cowper) thought he had better defer his reply until he moved for leave to bring in the Bill of which he had given notice.

UNPAID AND STIPENDIARY MAGISTRATES.—QUESTION.

MR. LONGFIELD said, he wished to ask the Chief Secretary for Ireland, If the attention of the Government has been called to the Clauses in the recent Acts 24 and 25 *Vict.* c. 96, 97, and 100, by which a distinction is made between the Unpaid and Stipendiary Magistrates; and if it is the intention of Government to introduce any measure to restore the provisions of the Act 14 and 15 *Vict.* c. 92, which confers equal powers on all Justices, paid or unpaid?

SIR ROBERT PEEL said, that the attention of the Government had been called to the distinction made by the Acts 24 and 25 *Vict.* c. 96, 97, and 100, between unpaid and stipendiary magistrates, and it was the intention of the Government to introduce a Bill in accordance with the provisions of the Act 14 and 15 *Vict.* c. 92, which conferred equal powers on all Justices, paid or unpaid.

MEXICO—CASE OF MR. NEWALL. QUESTION.

LORD WILLIAM GRAHAM said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether the statement contained in "the Correspondence on Mexican Affairs," headed "Inclosure No. 13," is correct; that £500 was paid by the English Government to a Mr. Newall, as compensation for an illegal imprisonment by General Marquez; and, if so, why it has been paid in his case and not in any other?

MR. LAYARD said, that the statement with regard to Mr. Newall, printed in the papers laid before Parliament, and quoted by the hon Member, had been taken from the newspapers, and was not accurate in all its details. The case of Mr. Newall was this: he had received, as the agent of a Mr. Davis, a large sum of money—about 15,000 dollars. His receipt for this sum fell into the hands of General Marquez, who insisted upon the money being paid over to him. On Mr. Newall's refusal to pay it, General Marquez ordered him to be shot on the following morning, and he was carried off and put into prison. He still refused to give up the money; and

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if it had not been that two of his friends came forward and paid it, he would have been executed. Lord Malmesbury demanded, as reparation for this outrage, that the money should be paid back with interest, that an apology should be made to Mr. Newall, and that £500 compensation should be awarded to him. Those terms were acceded to by the Mexican Government, and £500 was paid into the hands of the British Minister as compensation to Mr. Newall.

INDIAN CIVIL SERVICE.—QUESTION.

MR. VANSITTART said, he would beg to ask the Secretary of State for India, Whether he has received a Memorial, signed by the Members of the Covenanted Civil Service of India, complaining of the effect which the Civil Service Bill passed last Session is likely to have in diminishing, and eventually destroying, the Funds known as the Widows' and Orphans' Fund and the Annuity Fund; and whether he has taken any steps to prevent such apprehended consequences, and, if so, to state what they are?

SIR CHARLES WOOD replied, that no such Memorial had reached his Department.

THE PAROCHIAL ASSESSMENTS BILL. QUESTION.

In reply to Mr. HARVEY LEWIS,

SIR GEORGE GREY said, the Parochial Assessments Bill of last Session was referred to a Select Committee, which came to a certain Resolution respecting it, in consequence of which the Bill was re-drawn. The Session was, however, too far advanced for its being considered; and the Committee, therefore, recommended that if the Bill should be brought in again this Session, and read a second time, it should be referred to a Select Committee. It was with the object of carrying that arrangement into effect that the House would be asked that night to read the Bill a second time.

SUPPLY.

Order for Committee of Supply *read*.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

THE SUPPLEMENTARY ESTIMATES.

REINFORCEMENTS FOR CANADA.

SIR HENRY WILLOUGHBY said, he understood the House was to be called

upon that night to vote £973,000 by way of Supplementary Vote for the Army and Navy. It appeared to him that the House was in some little difficulty, because it did not know how the accounts stood for the present year. In the previous year £12,297,000 had been voted for the navy, and £14,607,000 for the army, making a total of rather more than 26½ millions; but the House did not know whether these enormous Votes would prove sufficient, or whether, as of late years, it would be necessary to have a Vote to cover excess of expenditure; therefore, he should like to know from those Gentlemen charged with the management of those departments whether there was likely to be any Supplementary Estimate either for the army or navy, or whether there was a surplus, or was likely to be one, for either of these departments. But there was another and greater difficulty, which was, that the House had not the assurance that if it voted money for a particular purpose it would be applied to that purpose. This practice had run to such an extent that voting moneys upon estimate had become almost a farce. In the year 1857-58 no less a sum than £490,000 granted for one specific purpose was applied to another. In the last year of which the House had any cognizance they knew that on the mere dictum of Mr. Laing, then Secretary to the Treasury, £40,000 voted for wages was appropriated to the purchase of stores, showing that the authority of the House was in danger of being utterly upset. What on earth was the use of their spending time in debating the Estimates if such practices were sanctioned? The system of the transfer of credits, carried to such lengths, was fatal to the system of finance, and endangered the reputation of the House as the guardian of the public purse. He wished, therefore, to know whether the Secretary to the Admiralty and the Secretary at War were prepared to give an assurance that in the expenditure of the sum of £973,000, which was required to cover certain items, those items would be faithfully adhered to. Before the very able Committee on military organization, the state of the War Office accounts had been described as most unsatisfactory—indeed, he might say deplorable. He also wished to address another question to the right hon. Baronet the Secretary for War. He had an opportunity of seeing the state of the dockyard accounts, but from the very able Report

of the Committee on the military organization of the country he believed those of the War Office to be in a much worse condition. Mr. Anderson, the chief financial officer of the Treasury, pointed out the errors to which the War Office accounts were exposed, and other witnesses exposed the danger of mixing up the Indian army accounts with those of the home service. The country was prepared to grant any sums which might be required for its efficient defence, but, on the other hand, it expected that these large sums would be economically expended. A conviction was very general that value was not obtained for so large an outlay, and the House, if it did not take care that the money was properly expended, would suffer the entire blame of throwing it away. He would, therefore, conclude by asking the Secretary for War whether any action had been taken on the recommendations of the Select Committee to which he had referred, and whether measures were in progress for improving the system of accounts at the War Office.

SIR GEORGE LEWIS: Sir, I understand the hon. Member to ask whether the two Supplementary Estimates now on the table—one for the army and the other for the navy—will be sufficient to cover the entire excess beyond the expenditure voted last Session and appropriated by the Appropriation Act, or whether some further supplementary votes will be required. When an expedition has been recently sent out, the accounts for some time afterwards come in successively, and, perhaps, imperfectly; and it is impossible to say at the present moment what will be the exact amount of expenditure incurred with regard to that expedition. But I speak with the authority of my noble Friend near me (Lord Clarence Paget) when I say that the Supplementary Estimate now on the table is likely to cover the whole excess of expenditure for that department which will come in course of payment before the first of April next; and my information leads me to form the same expectation with regard to the War Department. The Government, therefore, have every reason to believe that this excess will be the whole amount to which it will be their duty to ask Parliament to agree during the current year. With respect to the transfer of items from one branch of the Estimates to the other, the hon. Baronet is well aware that the practice which he objects to is in ac-

cordance with the existing law, and that in cases of urgency, where the Treasury permits the transfer, it is competent for a department to apply an excess upon one Vote in aid of the deficiency upon another. I am not aware that it is contemplated at present to make any alteration in the law relating to these extreme cases; but my right hon. Friend the Chancellor of the Exchequer has a measure in preparation with respect to the recommendations of that Committee on which the hon. Baronet and I served two years ago—namely, the Committee on Public Monies. I quite concur with him in thinking the recommendations of that Committee extremely valuable, and I trust, during the present Session, those which have not already been carried into effect will receive the sanction of Parliament.

MR. DISRAELI observed, that it would be well if in his statement the right hon. Gentleman the Secretary for War would state whether the House were to understand that the sum of £11,000 for extra pay and allowances was for the extra pay and allowances for the service of the whole year or referred to Canada only.

SIR GEORGE LEWIS: It refers to Canada only.

MR. W. WILLIAMS said, that while approving the step taken by Her Majesty's Government in sending out in a prompt manner troops to assist the North American provinces in case of invasion, he was glad to find that what the Government now asked for would cover the whole of the expenses. There was an impression abroad that a considerably greater expense had been incurred.

UNITED STATES—CORRESPONDENCE IN CASE OF THE "TRENT." OBSERVATIONS.

MR. BRIGHT: Before you leave the chair, Sir, I should like to make one or two observations. I am not going to object to the Vote, of course; I have had too much experience of such matters to attempt any such thing; but after the prodigious sums voted last year, and in past years, I think we are now driven to the point at which it may be worth while to consider whether the expenditure of an additional million has been necessary and wise, or not. Now, I am not about to find fault with the course of Her Majesty's Government with regard to the recent transaction with the Government of the United States, so far as I can see any-

Sir Henry Willoughby

thing, or expect to see anything, in the blue books and in the correspondence between the Foreign Office in England and the Department of State at Washington. So far as the despatches which are signed by Earl Russell go, I make no complaint about them. It does not appear to me that the request made of the American Government was one they could reasonably object to, nor does it appear to me that the language in which it was couched was such that they could be entitled to complain of. Therefore, so far as that goes, I have no charge to bring against Her Majesty's Government. But, Sir, it does appear to me clearly that there was great inconsistency between the conduct of the Foreign Office, as exhibited in these despatches, and certain other portions of the conduct of the Government. It is not customary in ordinary life for a person to send a polite messenger with a polite message to a friend, or neighbour, or acquaintance, and at the same time to send a man of portentous strength, handling a gigantic club, making every kind of ferocious gesticulation, and, at the same time, to profess that all this is done in the most friendly and courteous manner. Now, that seems to me precisely what has been done by Her Majesty's Government in this particular case; and I am anxious for a moment to explain to the House how I think this million has been worse than thrown away, and that, besides being thrown away, it leaves behind it consequences of much more evil and of much more harm than the loss of the million itself. Now, the House will recollect that, at the very time, I think on a Friday or Saturday, when the Cabinet were said to be meeting for the purpose of discussing the despatch to be sent by the Saturday's boat from Liverpool to America, there appeared in the newspapers that are the especial organs of the Government language of the most violent and offensive character; and that instantaneously—probably on the very day when the despatch itself was written—steps were taken with regard both to the army and navy which were exactly such as would have been taken if the despatch itself had been, not a courteous demand for a just object, but rather a declaration of war. Now the effect of that in this country was very obvious. It created almost a universal impression that there was something which the Government knew and which the country did not know; and though nobody thought—nobody but Go-

vernment could imagine—that a cause of war could arise out of that question, that the Government either knew war was all but inevitable, or that they intended war, if war could by any possibility be made out of it. Now, I suppose, if I am to take the answer which would be made to my statement from the statements made at the time, I shall find it based on two theories, which I undertake to say are about as false and about as ignorant as any ever offered to Parliament in justification of any public proceeding. It was said by certain organs which affect to represent the Government—and which are apparently sometimes the Government slaves, and sometimes its masters—it was said that the Government at Washington, or Mr. Seward particularly, was anxious to get into war, or difficulty, with this country, with the view of enabling him, with something like credit, to get out of the difficulty in the South—in fact, under cover of a war with England, peace upon, I presume, terms of separation of the Union, was to be made with the South. That was one of the theories. Nothing in the world was ever offered to rational men more absurd and more impossible. Mr. Seward cannot make war; the President himself cannot make war; Mr. Seward and the President together cannot make war; but the President and the Congress of the United States can make war; and we may be perfectly certain, and might have been then, that it did not rest in the brain of one man, however eminent or ingenious, to consent to the dismemberment of the American Union under cover of a war with this country.

Well, the other theory was this. The Government at Washington was so entirely under the influence and direction of a mob, that the courteous demand of the English Government would not be listened to, dared not be listened to by the Government, and that it was necessary to have all this display of power, not for the purpose of overawing the Government of Washington, which might, possibly, wish to be just, but for the purpose of overawing the mob of the United States, which was supposed to overrule and overawe the Government at Washington. ["Hear!"] I see that I have hit exactly the idea which hon. Gentlemen, no doubt, had arrived at. Hon. Gentlemen might know, if they had observed the course of the United States, from its early history to this war, there probably never has been a great nation in

which what is familiarly termed mob-law is less known or has had less influence. Wherever men have votes, club-law, mob-law, necessarily disappears. ["Oh, oh!"] Understand, I confine my observations always to the free States of the North; and if any hon. Gentleman thinks that I am not fairly describing the case, I ask him to look to the circumstances which occurred, and he must come to the conclusion that the Government at Washington, whether in the removal of a distinguished and popular general, or in the removal of a Minister, or in the recognition of the fairness of the demand of England and the surrender of the two men, perhaps more hateful to them than any other two men existing in the world—I say, looking at all that, the man must be prejudiced beyond all power of conviction who says that the Government of Washington in this matter, or in anything else during the last few months, has been influenced by the action of the mob to an extent which exceeds that which is found to prevail in this country and in almost every other country of Europe. Now, the noble Lord at the head of Her Majesty's Government will have this advantage of me—so will any of his Friends who chance to take a different view from me—they will say—and, of course, I cannot prevent their saying it—that whatever has been wrong in their policy, the policy was crowned with a certain success. But that is not always conclusive proof that a policy has been right; and I have not the smallest doubt myself that the only thing which made it a question whether these men would be surrendered and war avoided was not the tenor of the despatch from the Foreign Office, but the tone of the organs of the press which are known to represent a section of the Government, and the movements of regiments and ships in a manner which must have been intended and understood as a menace to the Cabinet of Washington. Why, any man in the world who had access to what is to be found on the shelves of the Foreign Office of England must have known, when the question came to be discussed as to the right to seize these men, or the right to take them, whatever might be said as to the precedents in England's previous conduct, nothing could be said but that it was contrary to American practices and American principles; and it is clear as anything can be to any man who has read the speech which Senator Sumner delivered in the Senate of the United States—in which he

collected the authorities on both sides of the question, all of which authorities must have been known to the English Foreign Office—that the American Government would have been utterly unable to resist the demand of the English Government, in accordance with their past practices and principles, however courteously that demand was made. It is well known, indeed, to those who were in Washington at the time that the influence of these military preparations was not felt upon the Government at Washington, or on the American people, but upon the Ministers of European Powers residing there; and I have reason to know that no fewer than two of those Ministers expressed their decided opinion that there was an intention on the part of some section of the Government, or of some powerful classes in this country, if opportunity offered, to engage in war with the United States. And the immediate effect of such a statement and such an opinion was this—that every man who either felt aggrieved or felt humiliated by the course taken by Her Majesty's Government, asked himself—shall I gain anything by this surrender? or shall I only have to wait for some other opportunity for the occasion of hostility that is now so apparent? Now, I do not bring this charge against the Government; I do not say they intended war; but I am quite sure of this, that very many persons in the country were led to that conclusion. I think it is very likely the noble Lord at the head of the Government, bringing down his traditions from times of past wars, when law and justice were little regarded amongst the most civilized nations of Europe, thought probably that the only mode of securing what he wished was by this great demonstration of force. Now I believe on this question, as well as on some others—on this more than on any other—there is no other Government, powerful Government, in the world, that has uniformly been so much disposed to abide by known, and, as far as possible, defined law, as the Government of the United States. And when I heard that this demand was being made upon them, with my knowledge of their previous course in respect of these questions, I had no doubt, whatsoever, that the matter would be amicably settled, except the menaces from this side might make it difficult for them to concede to the demand of Her Majesty's Government.

But, now, with regard to the effect of these demonstrations on British interests I

would say one word. I will not count up how much the funds fell, how much railway stocks and other securities fell, but I believe that in one market of England—Liverpool—the effect, not of what was done on board the *Trent*, or of the despatch of the Foreign Office, but of the warlike preparation of the Government, was to reduce the value of the stock of one article in the market by no less than £3,000,000 sterling. Only to-day a friend of mine has been telling me the contents of a letter he has seen from Bombay or Calcutta. The letter states that on a certain day news arrived that war between England and America was imminent; the whole trade of Bombay and Calcutta was immediately paralysed; and from that time up to the date of the latest advices, the paralysis continued, and persons concerned in the enormous commerce between England and India had for some weeks been suffering great loss and inconvenience from the transactions of that time. Doubtless when we hear from Australia we shall learn that the moment war was considered possible or likely between England and America, not an ounce of gold would be shipped, as no man would know that the vessel might not meet an American ship of war or privateer. The panic which seized upon the commerce of India will also have seized upon the commerce of Australia. This is a view of the question worth looking at. Your people are employed by the operation of this commerce, and by the security of the capital employed in it; and when any transaction like this most unhappy accident of the *Trent* arises between two friendly countries—[laughter]—I do not know whether anybody on the Treasury bench laughs because I call it so—I say it was an unhappy accident. As regards the United States Government and our Government it was nothing but an accident; and nobody knows it better than the noble Lord at the head of the Government; and when an accident of this nature or of any kind arises which may possibly cause jarring between the two countries, it is the policy and the duty of the Government certainly, in the first place, to try all those moderate and courteous means which it would like to have tried with regard to itself, before it has recourse to measures which send a paralysis through all the ramifications of the greatest commerce in the world, and create immense loss to almost all classes of the people. Now I may say, with the utmost satisfaction and truth, that the noble Lord at the head of the Government can-

not possibly be more pleased than I am with the favourable termination of that untoward event. If the noble Lord believed there was no course of preventing war but that which he took, of course it would be harsh and very unfair in me to blame him for that course; but I do think, knowing how much the United States Government has been bound up—has been committed to humane and moderate principles of international and maritime law—he might have trusted more to their desire to act in accordance with that law, and less to the force which he exhibited against them. He probably does not remember that the people, now for a moment partially disabled and crippled, yet owning the supremacy of the Washington Government, consists of twenty-two millions of people; that for ten, twenty, or thirty years hence, whether the Union be restored or not, the Northern States will probably continue to increase as rapidly as they have ever increased, in population and in power. They are our countrymen to a great extent. We have there but few enemies, except it be those who have left our shores with a feeling of discontent against this Government, which perhaps in their generation cannot be removed; and, I say, it is worth our while, on all moral grounds and on all grounds of self-interest, that we should—in all our transactions with that people—acknowledge our alliance and our kinship, and not leave behind, if we can avoid it, an ineradicable, undying sting, which it may take many years, perhaps a generation or two, to remove. The War of Independence eighty years ago left such a sting; the war of 1812 inflicted upon both countries a similar mischief. The course taken by the Government, not in the demand, not in the despatch, not in the courteous way in which Lord Lyons managed everything he had to do with regard to it, but in the instantaneous and alarming menace of war, followed and accompanied every day by incessant and offensive charges from the press supposed directly to represent the Government—I say that that tends to leave on the minds of even the most moderate men in America the feeling that England, in the hour of her trial, has not treated them in the magnanimous and friendly manner which they had a right to expect from us. Now, I am glad to see there is a remarkable change operating from day to day in opinion in this House and out of it. It is obvious that, since the course taken in that transaction

by the American Government, a great change has taken place in the opinions of a large portion of the people of this country. There is a more friendly feeling towards the Washington Government; they see in it a Government, a real Government, not a Government ruled by a mob, and not a Government disregarding law. They believe it is a Government struggling for the integrity of a great country. They believe it is a country which is the home of every man who wants a home; and, moreover, they believe this—that the greatest of all crimes which any people in the history of the world has ever been connected with, the keeping in slavery 4,000,000 of human beings, is, under the providence of a Power very much higher than that of a Prime Minister of England, or of a President of the United States, marching on, as I believe, to its entire abolition.

MR. BAXTER said, that although he entertained the same friendly feeling towards the Government of Washington which the hon. Member for Birmingham had just expressed, and, although he could not but deprecate the strong language used in many of the newspaper articles in this country in reference to the Northern States, he could not concur with his hon. Friend in the censure he had passed on the measures taken by the Government. He had no doubt that the Estimates would meet with the unanimous concurrence of the Committee, because they were a part of that policy which the Government had pursued in the affair of the *Trent*, and which the people of this country had undoubtedly most heartily approved. It was no part of their business, nor was it part of the business of the Government to defend newspaper articles, and he concurred with his hon. Friend in thinking that the language made use of by some organs of public opinion in this country was quite as discreditable as that which had been used by the Press in New York. But not only did he think that Her Majesty's Government acted rightly when they took a determined and decided stand in the *Trent* affair—and he understood his hon. Friend the Member for Birmingham to take the same view—but he would go further, and say that he believed Her Majesty's Government did perfectly right when they backed their demand by such a display of energy and strength as showed that Great Britain was in earnest. And having some slight acquaintance with the institutions and the working of the political machinery in the

United States, he must say that he had come to a very different conclusion from that which had been arrived at by his hon. Friend, for his firm impression was—and it was an impression that had been confirmed by various private communications which he had recently received—that, after the first feeling of annoyance and irritation had passed away, the manner in which this most lamentable accident had been settled, so far from leaving any feeling of bitterness, so far from leaving what his hon. Friend had called “an ineradicable sting,” would, before long, lead to a better understanding between the two countries. At all events, what had taken place would have this effect, it would show our friends on the other side of the Atlantic that there could in future be no possible question with regard to the attitude which, in a similar emergency our great colony of Canada would assume. He was sure there was not a man in that House who did not feel proud of the patriotic loyalty which had been displayed by the colonists of British North America. But there was one point upon which he wished to get some information. The force which had been lately sent to the colonies in North America would have to remain there for perhaps five or six years. He wished to know if the taxpayers of this country were to be asked to pay for the permanent maintenance of troops in the North American colonies? Now, he wished it to be borne in mind that the colonists of British North America did not contribute one single farthing in the shape of contribution to our military expenditure, and until the origin of the Volunteer movement in this country there was no military force whatever in Canada for the defence of the colony itself. Now that country was populous, and to all intents and purposes independent—so independent that it had imposed a very high tariff on British goods, and yet we had undertaken up to the present time to provide for its defence. During the last few months, it was true, when they found the danger near their own doors, the colonists set about defending themselves in earnest. He had found that in matters of that sort the Colonial Office required a little pushing to get them out of the old track. They did not appear to understand that self-government and self-defence should go together, and it was too bad that this country should be called upon to pay for the defence of a colony with the concerns of which we were not

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permitted to interfere. His object in rising was merely to ask Her Majesty's Government what representations had they made or did they intend to make to the colonists with a view to induce them to contribute more than they had hitherto done to the maintenance of the large military establishments engaged in their defence?

VISCOUNT PALMERSTON: Sir, I am not going to answer the latter part of the speech of my hon. Friend who has just sat down; that is a topic which will be more properly handled by my right hon. Friend near me (Sir George Lewis) when he comes to make his statement on the Estimates. But I am unwilling to let a longer time elapse without making some observations on what has fallen from the hon. Member for Birmingham. I said on a former occasion that it was desirable that in this House we should not only pass laws and vote Estimates, but should also be the organs of the opinions and feelings of large masses of the community. I go further, and I admit that it is sometimes useful that this House should hear the views and opinions of individuals, and to-night we have had an example of the singular opinions of one instead of the general opinion of many. But I think that with all deference to my hon. Friend it must be admitted that the opinions which he has expressed are as nearly as possible confined to himself. Sir, my hon. Friend does justice to the course which the Government pursued in making their demand for redress from the American Government. Upon that point there is no difference of opinion. He has done full justice to the courtesy and the consideration which influenced my noble Friend at the head of the Foreign Office when he instructed Lord Lyons to make the communication, and to the delicacy, judgment, and good taste with which Lord Lyons complied with his instructions. It is well, therefore, to know that the ground is cleared of any objections upon those preliminary points. But my hon. Friend thinks that we were wrong in those military and naval preparations which have been made; that we were wrong in sending out to Canada troops who went with what I think he called "ferocious gesticulations." I do not know to what particular circumstance he alludes, but the weather was cold when they were going, and if they did make "any gesticulations," it must have been in the customary mode of warming their hands. But, Sir, the

point of my hon. Friend's argument is this—if I rightly understand it—that the United States were bound, and that we ought have known they were bound, by obligations of international law to give up those persons who were taken from on board the *Trent*, and that in the course which they took they were not likely to be swayed by mob influence. My hon. Friend says where everybody is a voter there can be no mob. I do not quite agree in that theory. But he contends that the United States Government were bound by their own principles to do that which we asked of them, and that they were quite free, nor was any control exercised over them by any class of the community. But, now, I would just ask him if the United States Government held all along that they were bound by their own principles to disavow any act contrary to those principles, and therefore to afford redress, why did they keep those four gentlemen so many weeks in prison? Was it because, as he states, those gentlemen happened to be the objects of great hatred to the United States Government? That is not a reason why an act of injustice should be committed. Why should those gentlemen have been kept in prison, if according to the acknowledged principles of the Government, they were entitled to their freedom from the first moment they were taken? That is to my mind a proof that the United States Government had not come, in the earlier stages of the matter, to the decision that this was an act which they must disavow, and that they were bound to restore those persons to freedom. But my hon. Friend says that no compulsion was exercised upon the United States Government; that as to war, Mr. Seward and Mr. Lincoln could not make it upon their own authority—we know that very well; it requires the sanction of the Senate—and that therefore it was quite foolish—nay, worse than foolish—it was criminal in us to take measures ostensibly in defence, but in reality calculated to provoke a war with the United States. But, Sir, had we no ground for thinking that it was very doubtful whether our demand would be complied with? And will any man tell me who remembers the indignant feeling that prevailed throughout the whole country at the insult and outrage which had been committed that the people of Great Britain would tamely have submitted to a refusal? Well, then, if that refusal came, we should

have been bound to extort by the usual means, as far as we were able to do so, that compliance which had been refused to a courteous application. Well, what reason had we to think that a refusal would not be given? My hon. Friend cannot have forgotten transactions so recent and events so fresh in the memory of every one. Why, what was the tone and temper of the Northern States? We knew that Captain Wilkes had done this act upon his own authority, and that the United States Government were quite at liberty to disavow it if they chose. Mr. Adams told my noble Friend that in a despatch which he received from Mr. Seward it was stated that the United States were free to act as they pleased, and that its conduct might depend upon that which the British Government might think fit to follow. The despatch went no further. [Mr. BRIGHT: It did go further.] I do not know that. Well, Captain Wilkes declared that he had done the act without authority and instructions. But did the people, did the public of the United States hesitate as to whether what had been done was right or wrong? Did they wait to be informed whether it was consistent or not with what my hon. Friend states to be the acknowledged, well-known, and universally-established international code. It is well known that Captain Wilkes was made a hero of; and for what? Why, the reason was distinctly avowed and put forward—namely, because he had had the courage to insult the British flag. There was a great ovation at Boston, where, I believe, persons holding judicial situations, among whom was a person in high office, the Governor of the State, joined in the general chorus of approbation. But you may say that that took place at a public meeting, and that we have heard many foolish speeches made at public meetings, and a great many opinions there expressed which were not backed or re-echoed by the rest of the country. But did things stop there? When Captain Wilkes went to the theatre in New York, the whole audience rose, as they might have done at the entrance of a great liberator of his country; they rose in honour of Captain Wilkes, and cheered him, I believe. Well, were the American Government entirely free from participation in such demonstrations? With respect to some Governments, it is said that one department does not know what another department does, and it is sometimes made a reproach here that depart-

ments conduct their affairs at cross-purposes; but, in America, the Naval Department—the Secretary of the Admiralty—actually approved Captain Wilkes's conduct, and thanked him, and only ventured to hint a fault in that Captain Wilkes had shown too great forbearance, and hoped that the example would not, in that respect, be brought into a precedent in future. Then, let us go a step higher. The House of Representatives, if I mistake not, voted thanks to Captain Wilkes, and approved his conduct. Here, then, were the American public, the Government, a branch of the Legislature, all approving the act committed. Well, with all these facts before our eyes, should we have been justified in supposing that a mere courteous application, asking the American Government to have the goodness to deliver the four captured persons into our hands, would have induced them to say, "We were quite right in taking them; the whole American people are with us; they see that we have insulted your flag and are glad of it; but as you ask for the delivery of the prisoners as a favour, as a favour we assent to the delivery?" I really think that we should have been deserving of condemnation and censure as shortsighted men, not actively alive to the interests of the country, if we had simply rested our case on the demand. Moreover, it is well known that it was generally said by persons in America, and also, I believe, by some Americans in this country, that the four prisoners were not to be delivered—"that they won't and shan't be given up." What was considered by the Americans to be our weak point, and what was the circumstance which made the United States always more difficult to deal with by England than by France? It was the thought that the British North American colonies were defenceless, and would readily fall before them. What, then, was it our duty to do? It was to strengthen those provinces, and make the Americans see that we were able to defend ourselves on that point which they thought to be the most vulnerable and most easily accessible to them. That, Sir, was not "ferocious gesticulation." It was simply a defensive measure; it was simply strengthening that part which had been weak and might be attacked, and the knowledge of the weakness of which might induce the Americans to maintain that position which they had up to that moment occupied—to retain these men in prison and

refuse to comply with our demand for their restoration to British protection. Therefore, so far from Her Majesty's Government being obnoxious to blame, I think that the Government are deserving of commendation for what they did; and, though they performed no more than their duty, they performed it promptly and efficiently, and have met with, I believe, the approbation of the country at large. I think, then, that the censure of my hon. Friend the Member for Birmingham is not deserved and that what we did was not at all calculated to provoke the people or Government of the United States. It was simply a measure which it was our bounden duty to take, seeing the uncertainty of the result of the communications carried out from this country. So far from any feeling of ineradicable irritation between the two countries being engendered by the course pursued, I believe that a contrary course would have produced such a result. If Her Majesty's Government had submitted to a declared and gross insult, no doubt a vote of censure would have been passed on them. Still the act would have been done, and a sense of humiliation and degradation would have been perpetually in the minds of at least the present generation, on account of the gross and unatoned-for insult committed against the country. I agree with my hon. Friend who has just sat down, that the course actually pursued is one much more likely to produce peace between the two nations. There is no doubt that all nations are aggressive; it is the nature of man. There start up from time to time between countries antagonistic passions and questions of conflicting interest, which, if not properly dealt with, would terminate in the explosion of war. Now, if one country is led to think that another country, with which such questions might arise, is from fear disposed on every occasion tamely to submit to any amount of indignity, that is an encouragement to hostile conduct and to extreme proceedings which lead to conflict. It may be depended on that there is no better security for peace between nations than the conviction that each must respect the other, that each is capable of defending itself, and that no insult or injury committed by the one against the other would pass unresented. Between nations, as between individuals, mutual respect is the best security for mutual goodwill and mutual courtesy; and therefore, in my opinion, the course pursued by

Her Majesty's Government is one much more likely than that suggested by my hon. Friend the Member for Birmingham to secure the continuance of peace.

Motion agreed to.

House in Committee of Supply.

SUPPLY—SUPPLEMENTARY NAVAL ESTIMATES.

LORD CLARENCE PAGET: Sir, it will not be necessary for me to trouble the Committee at any great length in bringing under consideration the Supplementary Estimates for the Navy, the principal cause of which is pretty well known. It will only be my duty to give a detailed explanation of the various votes; but previously to doing so I wish to answer the question put to me by the hon. Member for Evesham, (Sir Henry Willoughby) regarding the balances which are available for the naval expenditure. The hon. Member asks whether the sums now to be voted are to be appropriated according to the Estimates laid before the House, or in aid of any other votes than those mentioned in these Estimates. I can assure him that the intention of the Admiralty is to deal *bonâ fide* with the expenditure in the manner set forth in the present Estimates. The hon. Baronet also asked another question, as to the state of the balances remaining after the expenditure of the present year, as provided for by the Estimates for the year. I believe I may say that if it had not been for the late expedition to protect our North American colonies, and the consequent large increase of the expenditure on transports, it would not have been at all necessary to come to the House for any excess whatever upon the expenditure, and I rather think we should have had some considerable surplus. With respect to the present Estimates, the first charge is under No. 1, for the wages of seamen and marines. This charge, I am bound to tell the Committee, does not arise in consequence of the late preparations for war. The Government had proposed a considerable reduction in Vote No. 1, in consequence of the cessation of hostilities in China, the Admiralty thinking that they could in the course of the present financial year greatly reduce the number of men. The reduction has taken place, but it did not take place so quickly as the Government anticipated. In the first place, matters did not settle down in China quite so soon as we expected. There was, in the second place, some delay

in the return of the ships, while we had, moreover, to deal principally with continuous-service men; and it was, I think, a wise policy on the part of the Admiralty rather to exceed the vote than to do anything which would have the appearance of breaking faith with these seamen. We thought it right as the ships came home that they should be paid off, and that such men as were not continuous-service men should be discharged. The only other reductions which have taken place are, I may say, due to the common casualties of the service. Thus much with respect to that part of the Vote No. 1, which has reference to the pay of seamen; but then there is an additional reason, and one which, I am bound to tell the Committee, cannot be regarded as altogether satisfactory, why a part of this sum is now asked. We have taken a sum in that vote for slop clothing for the navy. That description of clothing is, as the Committee is aware, no source of ultimate loss to the public. The general rule is that sailors purchase their clothes and repay the cost to the nation, with the exception of a small allowance made to them on joining their ships. On the occasion of which I am speaking the supply which was due in the course of the last financial year, and which ought to have been brought in and paid for, was not forthcoming, and consequently a considerable sum—indeed £50,000, half of the sum for which I now ask—is due for slop clothing which ought to have been paid for during the last financial year. I have thus accounted for the sum of £100,000 asked for under Vote No. 1. Vote No. 2, which relates to the provisions of the fleet, must, of course, depend as to its amount on the number of seamen we employ; and the fact that that number has not been reduced quite so quickly as we anticipated will, of course, account for the larger sum which is asked for under this head. During the autumn the House granted the sum of £250 000 for the purchase of iron-cased ships. That sum has not been nearly expended, and it was the intention of the Admiralty—having, of course, in the first instance, obtained the sanction of the Treasury—to apply the surplus which remained on hand to meeting the excess in the case of the two items to which I have called attention. There still remains Vote 17, for which we ask a sum of £234,338. This demand is, as the Committee is no doubt aware, entirely due to our recent preparations for the defence of our North American colonies, and it

would, perhaps, be interesting to hon. Members that I should state the number of transports which we engaged, and the amount of stores and troops which we forwarded for that purpose. I may, in the first place, observe that in the summer the Great Eastern and the Golden Fleece were employed by the Government to take considerable reinforcements to our North American colonies, and that the whole cost of that expedition is included in the sum which I have just mentioned. The number of steam troop-ships engaged on monthly pay was, I may add, eight, while there were six steam troop-ships hired for the voyage, and six steam store-ships. Besides these four contract mail packets were employed to convey as passengers for the voyage—not hired for the purpose—large detachments of men. These vessels took out the following force to British North America:—16 batteries of Royal Artillery, 4 companies of Royal Engineers, 11 battalions of Foot, a large body of the Military Train, and also Staff and detachments; making a total of 706 officers, 13,730 men, and 207 horses. The expedition was, moreover, accompanied by 250 women and 360 children. The stores which I am about to enumerate were carried out on this occasion, and I am anxious to enter into these details because I think the fact that so large a force could be despatched to its destination at a cost so reasonable and a celerity so great reflects some credit on all the parties connected with the matter. Fifty guns and their carriages were conveyed to our North American Colonies, 91 ammunition and other waggons, and 9,707 tons of army stores, in addition to the baggage and equipment of the troops; while the cost of the whole expedition was as nearly as possible £16 per head. The Committee will, I think, on looking over the accounts, be disposed to think that the steam shipping companies have been very moderate in their charges, and that the whole business has been conducted in a manner extremely satisfactory. I need not, I am sure, add a single word to the statements which I have already made on this head, and I entertain no doubt that the Committee will be disposed to agree to the Estimate I have laid before them. I should, therefore, at once sit down but that I wish, before doing so, to answer a question which was put to me the other night by the hon. and gallant Member for Portarlington (Colonel Dunne), and to which, although

the subject was to me a source of considerable anxiety, I was then unable to reply. The hon. and gallant Gentleman stated, with reference to the transports *Adelaide* and *Victoria*, that they no sooner got to sea after leaving Queenstown, than it was found there was a great leakage in their decks, and that, as a consequence, the troops who were on board suffered much discomfort. Now, I have instituted very careful inquiry as to whether diligent examination was made with respect to that particular point before the vessels set out on their voyage, and the hon. and gallant Gentleman will, I feel certain, have no doubt on the matter when I tell him that I have been informed that not only were both these vessels duly inspected, but that their engines were repaired, and that their decks were thoroughly caulked in order to prevent any probability of leaks. That being so, the Committee will perceive that every precaution was taken which could be adopted before our gallant troops embarked to provide for their safety, and that if they experienced the discomforts of which the hon. and gallant Gentleman complains, it is to be attributed to the fact that these vessels encountered unusually heavy gales, which vessels of war are often unable to resist without leakage. It only remains for me, Sir, to move the vote which I now place in your hands.

(1.) £100,000, Wages for Officers, Seamen, and Boys, employed in Her Majesty's Fleet, in excess of the numbers authorized.

MR. BENTINCK said, he had listened to the statement of the noble Lord with some regret, inasmuch as he had intimated that the Admiralty had some intention of reducing the number of our seamen. For his own part, he always looked with great suspicion on the announcement at that period of the Session of those contemplated reductions, whether in the army or the navy, because he invariably found that that indicated a leaning to a system which, of all others, was, he believed, in reality the most wasteful and extravagant—the cutting down the number of men in the first instance in order to lay the Estimates in what was deemed a more acceptable shape before Parliament, and subsequently having recourse to increased expenditure in order to meet the requirements of the public service. He should like to know whether it was true that a portion of the proposed reduction was to take place in the number of men and guns of a certain class of ships.

That was a most objectionable proposal, for it would produce no saving in expense, but a decided falling off in point of efficiency. In the event of any sudden emergency ships on a distant station would find themselves in an inefficient condition, and would be unable to procure the supplies of men and guns which they required. He hoped his noble Friend would announce that Government did not intend to send to sea any ships which were not fully equipped both in men and guns. He was also of opinion that the transport service would be in many cases better and more cheaply performed by a certain number of troop-ships of the *Himalaya* class, which vessel had paid her cost ten times over, than by relying almost entirely upon hired vessels. It was not only a question of comfort to the troops, but of loss of time when time was the most important consideration. If troop-ships were always ready for sea, the men might be put on board within a couple of days; and occasions sometimes arose when days were of importance. He also wished to know whether a number of transports were not detained in the St. Lawrence on account of the weather, and whether they were not paying for the use of those vessels as if they were on active service. He would like to see a larger number of troop-ships kept in Commission, for the hiring of transports, to the extent at present practised, was essentially penny wise and pound foolish.

SIR JOHN PAKINGTON observed that he had understood his noble Friend, the Secretary to the Admiralty, to say that the first two items of the vote (for seamen and victualling) would in any case have been incurred. His noble friend also made a statement which he did not exactly comprehend, as to the application of a surplus on some of the votes. He wished to know whether any portion of any such surplus had been applied to the sending out the reinforcements to Canada, and whether the sum of £234,000 covered the whole cost of those measures? As they were all aware, owing to stress of weather, some of the reinforcements had not yet reached their destination, and he believed that several of the transports which had arrived in Canada had not yet returned to this country. He made that inquiry because his noble Friend would agree with him that in making a statement of this kind there should be no disguise, and that the House should know clearly and fully

what expense had been incurred. He might add, that if there ever was a case in which disguise was unnecessary, the present was one. Had the estimate been considerably larger, he was sure there would have been no disinclination on the part of the House to vote the money. But if the sum of £234,000 really represented the whole cost incurred in sending troops to Canada, he must congratulate the Government on having at so cheap a rate conducted the vigorous preparations which did them so much credit, and for which they had received, if not altogether, yet very nearly, the unanimous approbation of the country. To these preparations he believed they were indebted in a great measure for the concessions of the American Government and for the prevention of that great misfortune—a war between the two countries.

SIR JAMES ELPHINSTONE said, he also wished to congratulate the Government on the reasonable cost at which they had been enabled to convey their reinforcements to Canada. He would have cheerfully supported a much larger vote, had it been necessary. Some explanation, however, was required from the noble Lord the Secretary to the Admiralty as to the prospective reduction in the navy. He hoped that that reduction would not be effected by a reduction in the armament of Her Majesty's vessels-of-war, but he had been informed that the *Euryalus* had landed 16 guns, and that the *Shannon* and another frigate had also been deprived of a number of guns. Was that done because these ships could not carry so many guns? Was it because they were overmasted? Admiral Elliot, in his report on the Channel Fleet, had, in three different clauses, recommended that the masts of the ships should be reduced, for, generally speaking, they were so much overmasted as to labour heavily at sea. The fact was, that a frigate or a line-of-battle ship could not, on that account, be sent to sea without working so much in every gale that she had to go into dock and incur a costly bill for repairs. He trusted the noble Lord would make some inquiry into the matter. He agreed with his hon. Friend (Mr. Bentinck) that five or six troop-ships of the same class as the *Himalaya* would conduct the transport service in a manner which no hired vessels could approach. At the same time he must say that the transports lately engaged to carry troops across the Atlantic had, with few exceptions, performed the duty very

efficiently. It was a mistake, no doubt, to send those vessels up the St. Lawrence at such a season of the year, but they had been well handled, and he thought the House would do well to express its sense of the very able manner in which the respective commanders had done their duty. From information he had received he could state that the Captain of the *Parana* had shown great skill in managing his ship under very grave difficulties. Great praise was also due to the Captains of the *Persia* and the *Adriatic* for the extreme skill with which they had conducted the operations intrusted to them.

MR. LINDSAY said, that since he had had the honour of a seat in that House he had never seen an Estimate which pleased him more than the one before the Committee. He had expected, and he believed that the impression was general, that these four men would have cost the country a million each; and he was glad to find that, in vindicating the honour of the country so ably as the noble Lord at the head of the Government and the noble Earl the Secretary for Foreign Affairs had done, the cost had been so small. He was glad to find that the cost, so far as the navy was concerned, was not more than £234,000, and that even that sum included £25,800 for provisions and medical comforts of the troops while on board ship, which would have been required equally whether the men were at sea or on shore. The actual cost, therefore, of sending out these troops, so far as the Admiralty are concerned, seemed to be little more than £200,000. They could not, of course, with only that Estimate before them, arrive at the whole cost of the expedition; but it appeared that the charge for the army was only £609,000, so that they might take the whole expense at £1,000,000, or one-quarter of what the country supposed it would be. Therefore, he for one was highly satisfied with the result; and he only hoped that when the ordinary Navy Estimates appeared they would be as moderate in proportion as these supplementary votes. The hon. Member for Norfolk (Mr. Bentinck) had suggested the employment of Her Majesty's troop-ships instead of hired transports in such emergencies. The Transport Committee, of which he for two Sessions was chairman, had, however, arrived at the conclusion that it was much more economical for the country to hire transports as they were required than to maintain permanently a fleet of

Sir John Pakington

transports. Their recent experience had proved that they might with confidence rely upon the merchant marine for the supply of all the transports which might be required in any emergency, such as that which arose with regard to America. How prompt merchant seamen were to come forward in defence of the honour of their country was proved by the fact, that when war appeared imminent, the numbers of men on the list of the Naval Reserve rose rapidly from 2,600 to 10,000, and all the men who were entered expressed, in those noble addresses which every Englishman must have read with admiration, their willingness to serve their Sovereign wherever they might be required.

ADMIRAL WALCOTT said, I wish to know why the surplus arising under the Estimate for 1861-2 could not be applied in relief of this Estimate; and also whether the seamen who had been discharged from Her Majesty's vessels recently returned from service in China, had had given to them the opportunity of becoming continuous-service men if they wished to do so: if they had not, great injustice had been done them. I am not prepared to condemn the removal of a portion of the bow and stern guns from the experimental—for, at this moment, I can designate them as little otherwise than experimental ships—lately built, as it will render them less likely to strain, and in time of peace this is an object not to be disregarded. Nevertheless, it will be important that such guns, or such supply as might be advisable, should be kept in store at Malta, Halifax, and other foreign stations, in order that they might at once be forthcoming again, to be placed on board those ships from which they had been displaced. I have learnt with extreme concern the intention to reduce the complement of the crews in Her Majesty's ships. I raise my voice against a measure so improvident. I am aware that the crews of ships are regulated by the number of guns they carry still; the ships lately built carry a greater spread of canvas and are heavily masted, and a smart and efficient ship of war is the pride of the service; the reduction will place more labour on the crew and create a heavy dissatisfaction. Moreover, a ship undermanned is subject for serious misgiving in general efficiency for all description of duties which may be assigned her, and under all circumstances in which, perchance, she might be placed; besides, in the event of any sudden emer-

gency, ships on a distant station would find themselves in an inefficient condition, and would be unable to complete their crews.

SIR STAFFORD NORTHCOTE said, he understood that the two first items of the Vote amounting to £130,000 were independent altogether of the expedition to Canada, and that if it had not been for the necessity of presenting a Supplementary Estimate with regard to the other items, the Vote would not have appeared in its present form, inasmuch as there was an excess in the Vote for the year for iron ships amounting to £150,000, which would have been available for this purpose. No doubt by law the surplus of one Vote was with the consent of the Treasury applicable to supply the deficiency on another; but he considered that this was a case in which the application of that principle would be regarded with some jealousy—both on account of the amount of the surplus, and because the money was voted for providing certain permanent property which must ultimately be provided. The practice of diverting items from one head of public expenditure to another was attended with a doubly bad effect. It encouraged the Admiralty, in framing their Estimates, to put down a very moderate amount for stores, and to ask for large sums under heads, such as iron ships, which the nation was willing to grant. The hon. Baronet in conclusion inquired whether the surplus which had arisen on the Vote of £250,000 would be surrendered as a saving to the Exchequer, or applied in any other way.

MR. BENTINCK observed, that the hon. Member opposite (Mr. Lindsay) had spent a large amount of energy in refuting assertions which he had never made. He had never impugned the energy or patriotism of the British merchant seaman, nor had he gone the length of saying that the Government ought to be independent of the mercantile marine for the transport of troops. All he said was, that he thought it would be more economical, and conduce more to the comfort of the troops, if they had a large number of troop-ships of the *Himalaya* class in the Royal Navy.

LORD CLARENCE PAGET said, the £100,000 alluded to by the hon. Baronet (Sir S. Northcote) would at the end of the year undoubtedly be transferred to the Treasury, to be dealt with according to the Appropriation Act. The Admiralty would derive no benefit from it. He was indebted to the right hon. Baronet the Member for Droitwich (Sir J. Pakington) for that op-

portunity of stating that all the transports would not have been paid off till after the completion of the financial year. An item of about £40,000 on that account would have to be included in the Estimates for next year, but that sum, when added to the £234,000, would represent the entire cost of transport to the North American colonies. None of the men referred to by his gallant Friend the Member for Christchurch (Admiral Walcott), who wished to enter for continuous service, had been denied the opportunity of doing so. The contemplated reduction of the armament of vessels had no reference to the reduction of men; but it would be attended with beneficial results in increasing their capacity of stowage, in rendering them lighter and more easily handled, and in causing them to labour less in bad weather. There could be no doubt that some of the very large ships were overladen with guns. The introduction of the Armstrong gun in place of the old smooth-bore cannon lightened the weight of a ship's artillery, and greatly increased its power. If he had not already expressed his admiration of the patriotism evinced by the merchant service on a late occasion, he would certainly have taken that opportunity of rectifying the omission. It was his intention when the Navy Estimates were introduced, to express, on the part of the Government, the high satisfaction which their conduct had given. As they were giving credit where credit was due, the House would doubtless give praise likewise to the dockyard officers, whose energy had got so large a number of ships ready in so wonderfully short a time.

Mr. W. WILLIAMS observed, that it appeared from the statement now made that the number of officers and men sent out amounted to 14,000 men, but in previous statements made to the public the number was only put at 10,000 men.

SIR FREDERIC SMITH said, he wished to know whether it was intended to reduce the size of the ships, as well as the armaments they carried. If vessels were built to carry a certain number of guns, it seemed that the proper course would be to put that number on board; if they were only to carry the reduced armament, and yet were pierced for a larger number, he fancied they were building too large a battery.

LORD CLARENCE PAGET said, he would rather discuss that and similar questions when the Navy Estimates were before the House.

Lord Clarence Paget

Vote agreed to, as were also the following:—

(2.) £30,000, Provisions and Victualling Stores, &c.

(3.) £234,338, Freight of Ships.

SUPPLY—SUPPLEMENTAL ARMY ESTIMATES.

SIR GEORGE LEWIS: In the early part of this evening, before Mr. Speaker left the chair, the right hon. Gentleman, the Member for Buckinghamshire (Mr. Disraeli), asked me a very pertinent question, Whether the charge covered by the first vote in the Estimate I have now the honour to propose was limited to the North American provinces, or applied generally to the army. The reply I have to make is, that with respect to this and the remaining votes in the Supplementary Estimate the charges are for extraordinary expenses incurred in consequence of reinforcements which have been lately sent out to the North American provinces, and which would not have been incurred if those reinforcements had not been sent out. The whole of the Supplementary Estimate is to be attributed to that cause exclusively, and I fear there will be some extraordinary charges which will not come in course of payment before the first of April next, and for which it will be necessary to make provision in the general Army Estimates for the year. I mention this, as the sums may not be inconsiderable. I therefore wish to guard against the inference which the remarks of my hon. Friend might suggest, that the entire cost of the reinforcements would be covered by this Supplementary Estimate. I will state as briefly as I can to the Committee the principal items of which the Estimate consists. I will preface my explanations by remarking that the number of men was in excess of the Vote during the earlier months of the year, and therefore it became necessary for the department to take steps for reducing it, in order that the number should be short of the Vote in the latter part of the year, and in that manner that a balance might be established. Accordingly, the recruiting of men was stopped in the summer, and the number was allowed to fall below the establishment. But when the alarm of a rupture with the United States arose, the Government thought it right to recommence recruiting in order to increase the battalions in North America by 200 rank and file each, so as to bring them up to a war establishment. However, as soon as

we received the pleasing intelligence that the Government of the United States had determined to give up the four men, the suspension of the recruiting was resumed, only 1,393 men having been enlisted in the mean time. I think that the course taken by the Government must satisfy the Committee that they had not contemplated any war; that they did not follow any warlike policy, and that the preparations which they felt obliged to make in consequence of unexpected intelligence were not continued after it became known that there was no danger of hostilities. The whole of the extraordinary sums now asked are owing to provisions made for an emergency. There is a considerable charge for the medical staff. When it seemed likely that the militia in Canada would be called upon to make great exertions in assisting to defend that colony, we thought it right to send out officers to train them, and also a medical staff, who would be ready for immediate service. From all we had heard, there was a confident anticipation that the North American provinces would exert themselves to the utmost for their own defence, and in order to meet the assistance which they were to receive from the mother country. In reference to some remarks which have been made this evening, I would say that the reinforcements sent out were strictly of a defensive character. If it so happened that England had no colonies beyond the Atlantic, undoubtedly she would not have moved a single soldier. The reinforcements sent out were for the defence of our own colonies, and not for an aggressive purpose. In the position in which Canada and the other provinces stand with respect to us, we manage their foreign relations. Any offence given to us naturally affects them; and we should be justly obnoxious to the charge of pusillanimity and of being unmindful of the interests confided to our care if, when the people of Canada were threatened with invasion in consequence of an insult to our flag, we had shown any remissness in giving them that assistance which, undoubtedly, was their right, inasmuch as the quarrel was not theirs, but ours, and Canada was only incidentally involved in it. I quite agree with the opinion expressed this evening, that the insult offered to our flag was an unhappy accident; but on the part of the officer in command of the American ship, it was premeditated. He himself informed his countrymen that he made the seizure in consequence of his studies of international law.

Therefore, it was a deliberate insult so far as he was concerned; but as regards the United States Government it was unintentional and accidental. Every one must have seen from the first that it was utterly impossible that any instructions could have been sent to Captain Wilkes. He never pretended that he had any, and Mr. Seward gave the most positive assurance to this Government, through Mr. Adams, that the act was entirely without the authority of the American Government. But, though so far an accident, still, on the part of an officer of the United States Government, it was a deliberate affront to our flag. In consequence of that affront our North American provinces were entitled to our assistance, and I think we should have shown an utter absence of all sense of honour and high feeling if, having drawn the people of Canada and New Brunswick into our quarrel, we had left them to extricate themselves from it as best they might. I think we were not only justified in sending these reinforcements, but that every obligation of national honour made it necessary to defend their frontier. The Government took this step in the most efficacious manner that seemed possible, but certainly under a sense of great difficulty in consequence of the short notice and of the absence on our part of any idea of a rupture with the United States, because I can give the Committee the most positive assurance that the news of this seizure came quite suddenly on the Government, and that we had no expectation of any rupture with the United States. The news came, too, at a time when the communications between this country and North America are most difficult, the navigation is most perilous, and the weather is very inclement in Canada. However, as the Committee is aware, those difficulties have been overcome without the loss of a single life, as far as we are aware of. The Committee will agree with me that the Government had no option as to the course which they were called on to take. Though I shall move the Votes separately, it may be convenient that I should now explain a few of the more important items. In Vote No. 3 there is a considerable charge for the purchase of horses. Some of those were for six batteries of Royal Artillery—94 horses to each battery, making a total of 564 horses. Only 180 were sent out from England, so that the rest had to be provided in Canada. Other horses were required for two

battalions of the Military Train, which were sent to facilitate the transport of the stores. The entire number of horses was 716, which, at an estimated cost of £35 each, give a gross charge of £25,060. It is a considerable amount, but the money is not wasted. There are then items for medicine and for expenses rendered necessary in consequence of the cold to which men travelling through Canada at this season of the year are exposed. There is an item which was incurred owing to the additional hands put on when the troops were ordered to embark, in order to send out a supply of muskets for the militia in Canada. One of the principal items is £178,000 for the purchase of warm and extra clothing for the troops in British North America. It was thought necessary to incur considerable expense in order to provide warm clothing for men who had to serve in that most inclement climate. Those hon. Gentlemen who have been in North America, or who have read accounts of that climate, will be of opinion that the expense incurred for the purpose of providing warm clothing for the troops, although not inconsiderable, was a necessary precaution for the health and comfort of the men. The expense for each private soldier amounts to £2 17s. 2d., but that includes a complete provision of all that was required. There was one article that was not used by any of our regiments, and which was not in store in this country—the article of long boots. The French Government, having been informed of our difficulty, undertook the supply of 1,500 boots, which came over in forty-eight hours from Paris, and at a cost for which they could scarcely have been obtained from our contractors. I am happy to mention this as a proof of the friendly disposition of the French Government. There has been a large issue of provisions, amounting to £126,900, but that is so considerable a supply as to diminish the Estimate that I shall have afterwards to lay upon the table by about £50,000. The stores purchased on this occasion will be useful to a great extent, and, although this is an extraordinary expenditure, yet the stores will be available hereafter. One of the principal items of warlike stores is for gunpowder. The purchase of saltpetre amounts to £20,000, and various other stores of this kind amount to £170,000. If the Committee wish, I will give them all the details—[“No!”]—but I may briefly state that ample provision was made

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for every contingency, and that the comfort, convenience, and health of the soldiers were fully provided for. Every arrangement was made for conducting the war in an effective manner, if war had unfortunately broken out, and for making our troops as efficient as possible. I believe, too, that no waste was incurred, and that great care was taken by the efficient officers of the War Department to observe economy, even when a great pressure was put upon them to send out the men as soon as possible. The right hon. Gentleman concluded by moving a Vote for £11,785 for pay and allowances.

(4.) £11,785, Land Forces, beyond Ordinary and Supplementary Grants.

MR. ADDERLEY said, that the vote having arisen from expenses connected with the defence of our North American colonies, it would be well for the Committee to know what their prospects were to be for the time to come. It was quite true that it would have been an act of pusillanimity not to send out troops for the defence of the colonists, as they had been drawn into the dispute without having been consulted; but the quarrels that affected the empire, affected all its dependencies, and it was extraordinary if those who shared nine-tenths of the advantages were spared the burdens of the expenditure of the empire. He did not blame the Government for what had been done, nor did he sympathize in the least with the hon. Member for Birmingham (Mr. Bright), who, as the noble Viscount had said, stood absolutely alone in the sentiments he had expressed. Every other hon. Member in the House must give the noble Viscount credit for the promptitude, vigour, and success with which he had averted war by sending succour to Canada. When, however, it was truly said that Canada was our weak point, he could not help asking himself the reason why Canada was in so defenceless a state as it undoubtedly was at the commencement of the dispute. He agreed that it was a matter of good fortune that the noble Viscount succeeded in averting war and in saving Canada. But he would ask the noble Lord what would have happened if England had been engaged at that moment in defending her own shores, and if the interests of France had not concurred with ours, but had been adverse to our own? Canada would not have been able or ready to hold her own, even for a time, while England would have been seeking in every quarter for assist-

ance. That might be good fortune, but it was not good statesmanship, and he wished to ask whether we were to trust in future to good luck for the defence of the colony, and to leave it the next time in a state so defenceless that unless England had her hands free, and was able to send out troops, Canada must be lost to this country. He by no means sympathized with the opinions recently expressed by Professor Goldwin Smith as to the value of our colonies. Socially, commercially, and imperially, they were an absolute necessity to an island-country like this, and it was because he valued such a colony as Canada in so high a degree that he thought her defence ought not to be left to chance. Still he did not understand why we should consider the defence of the whole empire as belonging to ourselves so exclusively that we should wholly undertake it, and deprive the rest of the empire in common with ourselves of the natural privilege and effort of freedom, or why, from some imperial pride and vanity, we should keep our colonies in a helpless state and prevent them from putting forth their own resources. The noble Viscount had published the fact of his good fortune, and the vigour with which the Imperial Government had come to colonial aid, but he had also published to the world that England was the only portion of the British dominions that was active and ready to fight, and that all the rest of the British Empire was passive and to be fought for. He trusted that the right hon. Gentleman would tell the Committee a little more about the Canadian militia, and whether the Canadians would be expected in future to tax themselves somewhat more as Englishmen were taxing themselves at home for their security. There were now 18,000 British troops in the North American provinces, and he presumed they were to be kept there for several years for the purpose of enabling the North American colonies to form an army on the same basis. If that were the case, were the colonists going to pay anything towards the expenses of the troops and the stores? Would they pay for the medical stores sent out for their prospective militia? [SIR GEORGE LEWIS: "Medical Officers have been sent out."] There were items in the expenditure for hospital and other stores besides arms and equipment of every kind, and the colonists for whose benefit they were sent out might fairly be expected to contribute towards such expenses. He did not think by ask-

ing them to take their fair share in the expenses of an empire like this we should be depreciating the value of the connection. He believed they knew exactly how to value in pounds, shillings, and pence the present connection with this country; but he firmly believed that they would put a greater and more permanent value upon the natural relations which should prevail.

SIR GEORGE LEWIS: The question which the right hon. Gentleman has raised is not necessarily involved in the discussion of this Estimate, which is to meet an extraordinary charge in consequence of reinforcements sent out under the special circumstances of this case. Now, it may have been very wrong that our predecessors had not adopted the policy which the right hon. Gentleman recommends, and had not required that the colonies should make a large contribution towards the expenses of their own military and naval defence; but, inasmuch as that provision had not been made, Her Majesty's Government could deal with the circumstances only as they existed, and I think it must be seen that if we did not send out this force, the frontier of British North America would have remained undefended. I cannot admit, therefore, that this question has any direct bearing on the Vote. At the same time, the right hon. Gentleman has taken a perfectly fair and proper course in calling attention to an important principle of policy which is involved in the case before us. Now, during the American war the Parliament of this country passed an Act by which it declared that it was illegal to tax the colonies. I am afraid that it would be very difficult to pass an Act declaring it illegal for the colonies to tax us. The system under which the military and naval defence of Canada rests on us virtually amounts to a tax imposed on the mother country for the benefit of the colonies; but, inasmuch as the colonies are dependencies, as we allow them no option with regard to our foreign relations, but make them follow in our wake, compel them to share our fortunes, and involve them in our wars, it is not unnatural for the part of the colonies to expect that a very large portion of the expense of their naval and military defence should be defrayed by the mother country. It is an unquestionable fact that this has been the case, with very slight exceptions, up to the present time; and it is a matter for the consideration of the House whether a change in this established policy should be effected. There

was a Committee appointed last Session which went into this subject very fully, and made an interesting report. The hon. Member for Taunton (Mr. A. Mills) has given notice of a Motion founded on the report of that Committee, and it is his intention to move a Resolution shortly in which the whole of that policy will be brought before the House. I think it would be better to reserve ourselves until that Motion is before us, rather than now go into a somewhat desultory discussion of that large question, which is not confined to Canada, but extends to the colonies in general. As I am on the case of Canada, I will point out circumstances which I think will not unnaturally weigh with a Canadian. He would remember that the frontier line between Canada and the British Provinces of North America on the one hand and the United States on the other, was some years ago in contest, and it was settled by negotiation, conducted by a Plenipotentiary from this country. Many people thought the line which he obtained between the United States and those provinces was unfavourable to the provinces, and that he gave up rights which he might have retained. Well, I am not saying that the treaty was not for the interests of the empire, but I think it is not an unnatural thing that the Canadian should say, "If you take the negotiating of our frontier out of our hands, and bring the Americans close upon our river; if you even concede some portions of our territory"—for that, I believe, was a fact—"it is fair you should do something to help us when we are threatened with a war from that quarter." I think when we discuss those matters we ought to put ourselves in the position of our colonists, who do not take the same view as many hon. Gentlemen in this House are inclined to take. With respect to the time during which the 18,000 men will be maintained in Canada, I hope the right hon. Gentleman will not expect me to give him or the Committee any pledge with respect to it. I can only say that it is certainly not in the contemplation of the Government to maintain for any time like five years the increased force which was required only by a temporary exigency, and which was meant to meet a peculiar occasion. I do not contemplate the necessity of keeping the present amount of force for a long time in Canada, but how long it may be necessary to maintain it there is a matter upon which I am not now able to give a very distinct pledge. With

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regard to the Militia, it is certainly true that both in Canada and New Brunswick it has not been very effective, and that there has been a neglect in calling them out and training them; but that subject has been brought under the attention of the Governors by the Colonial Department, and they have exerted themselves very much, and I am bound to say that the population has responded with great spirit and readiness, for they have shown the utmost alacrity in making pecuniary sacrifices for their own defence. I think it would be impossible for me to express in too strong terms the excellent spirit which the entire population of the North American Provinces have shown on this occasion. I believe they will take measures for improving the system of their Militia; but the Committee must bear in mind that the North American Provinces naturally imitate the example of their neighbours in the United States, who never kept up any large standing army, as we see by the measures which they are forced to have recourse to. They are driven to very extraordinary measures in order to raise an army, and, of course, labour under a great difficulty in the absence of trained officers, or of any military system, and hence they are forced to supply by lavish expenditure the defect of a regular trained army.

SIR HARRY VERNEY said, that great praise was due to the officers and soldiers for the alacrity and energy with which, on so short a notice, they had proceeded to the scene of duty. Heavy loss, he feared, would be entailed upon many of them in consequence of the failure of the transports *Victoria* and *Adelaide*, but he hoped that whatever pecuniary loss the troops had really suffered would be supplied by the Government.

COLONEL DUNNE observed, that the pay for the general staff was put down at £2,260, which appeared to him far under the necessary sum to pay the general staff officers of an army consisting of 15,000 men.

SIR GEORGE LEWIS said, he believed the sum represented the excess of the pay for the current year of the staff officers sent to the North American station beyond the pay voted in the ordinary Estimates.

Vote agreed to, as were also the following:—

(5.) £76,510, Miscellaneous Expenses.

(6.) £11,000, Manufacturing Departments, &c.

- (7.) £27,275, Wages.
- (8.) £178,500, Clothing, &c.
- (9.) £126,900, Provisions, &c.
- (10.) £170,077, Warlike Stores.

COLONEL DUNNE said, he did not see any Vote in the Estimates for the purpose of fortifications. He knew the disgraceful state of the fortifications in British North America, and he was quite certain that it would be necessary to go to considerable expense in repairing them. There was in the War Office an able report by General Eyre on the subject, and he should like to know the intentions of the Government in respect to the matter.

SIR GEORGE LEWIS remarked, that the subject just touched on was one of considerable importance. He had read the report alluded to, and acknowledged that it was a comprehensive and able document; but it now had merely historical interest, for it bore date as long back as 1826. [Colonel DUNNE intimated that there was a more recent Report.] He had not seen a more recent Report; but, if there were one, it no doubt was made before the introduction of railways, which had almost entirely changed the aspect of the defences in Canada. The subject naturally occupied the attention of the Government, and he believed that the Governor was instructed to cause an inquiry to be made by some of the Engineer officers now sent over into the defences of Canada, and the Government would thus have in their possession a complete account of the existing condition of those defences.

Vote agreed to, as was also
(11.) £7,362, Barracks.
House resumed.

PAROCHIAL ASSESSMENTS BILL.

SECOND READING.

SIR GEORGE GREY said, he rose to move the second reading of the Bill, and to repeat what he had said in answer to a question early in the evening, that the immediate object which he had in view was to procure as soon as possible the reappointment of the Committee which sat to consider a Bill of the same character, which had been introduced by his right hon. Friend the Secretary for War last year, and which had not passed through the hands of the Committee before the close of the Session. They had, however, made some progress in its consideration, and had come to a resolution recommend-

ing that the assessments should be made in a particular mode. His right hon. Friend had undertaken to revise the Bill in accordance with that resolution, and to bring it again before the Committee before they reported to the House. When, however, it came again before them, the Session was far advanced, and they substantially recommended their own reappointment in order that they might resume the consideration of the measure during the present Session. Acting in conformity with that recommendation, he had reintroduced the Bill, and had now simply to ask the House to read it a second time, in order that it might be referred to the Committee, which he should propose should be reappointed at once, and should, as far as possible, consist of the same Members as last year. He might add that the debate on the principle of the Bill might be taken when it returned from the Select Committee.

MR. BOVILL said, he would not, after the statement which had just been made by the right hon. Baronet, oppose the second reading of the Bill; but he was prepared to take that course only upon the distinct understanding that it should be open to him when the Bill came back to object to the principles as well as to the details of the scheme. It was a measure which affected the interests of every parish in England, and he, for one, was disposed to find fault with it, not only for what it proposed to do, but because it failed to deal with many important objects to the attainment of which he thought it ought to be directed. The most important interests in the great majority of parishes were those connected with the land occupied by railway, gas, water, and other companies, and great difficulty was experienced in rating property of that kind. The difficulty arose from the language of the Parochial Assessment Act, 6 & 7 Will. IV., and his opinion was that it would be still greater under the operation of this Bill. As to the Board of Assessment, as it was proposed to be constituted, he could only say that he could very well understand the fitness of overseers for the discharge of their duties, frequently acting in pursuance of some communications made to them by the principal inhabitants of a parish, or of a resolution of vestry; but it was not so easy to arrive at a satisfactory conclusion with respect to a Board, many of whose members would come from a distance, and who would, in order to obtain the information which they required, owing to their want

of local knowledge, be obliged to incur the expense of employing surveyors to ascertain the true value of the property to be rated. In that part of the scheme he for one saw much difficulty, while so far as the right of appeal to be given from the decisions of the Assessment Committee to the Quarter Sessions was concerned, he must observe that he thought the latter a most inconvenient tribunal to decide matters of law. It was also proposed that the decision of the Board on questions of value should be final; but what would be the effect of that principle in the case of railways, where the assessment would be in the hands of persons interested in throwing as much as possible of the burden of taxation on the railways which traversed their district? He should not, however, enter at length into a discussion of the Bill, inasmuch as its principle was to come on for debate on a future occasion.

MR. AYRTON said, he did not intend to discuss the provisions of the Bill, but in the Bill of last Session a pledge was given that the Metropolis should be exempted from the operation of the Bill, and yet it contained no clause to that effect. He also thought it necessary to call attention to the remarkable change contemplated by the Bill. The rating of all property was to be brought down to one uniform permanent annual rental, the standard being that of the land. Houses were to be assessed on the annual value, landlords undertaking to keep the property in repair. That would entirely subvert the old principle of assessment, and would add 20 per cent to the rating of house property. Houses of the most fragile character would be assessed at the same rate as those held for 99 years. The measure had been introduced to make way for a Reform Bill, but it was founded on a total misapprehension as to the necessity of taking the annual value of property on the rate-book as the standard of qualification. He did not think it would answer the purpose for which it was intended, and it was worth consideration whether it was at all necessary.

MR. HENLEY said, he was sorry the Bill had made its appearance again. He did not intend, after the statement of the right hon. Gentleman, to oppose the second reading, but he could not avoid making one or two observations on the shape in which the Bill now appeared. He did not see that any ground had been laid for imposing—as the Bill would impose—on the country a fine of something

like a million of money for reassessment, and if it was to be mapped, which the Bill took power to do, that would cost another million. Their pockets were not so full that they should be playing ducks and drakes with their money in that sort of fashion. When the Bill came back from the Select Committee, if it should contain that power of re-assessing parishes, he should object to it. The Bill also completely broke down parish authority. The inhabitants of every parish were the best judges whether their assessment was fair among themselves, or whether the parish should be revalued. The Bill altogether knocked that principle on the head, but he was not willing to take that power out of the hands of the respective parishes. He did not think there was any necessity for the Bill. It would be very expensive, and he should be glad to see it drop. But, as it was to go before a Select Committee, it would be time enough to deal with it when it came out of their hands.

MR. LOCKE urged that the measure was unnecessary for the purpose either of parochial or union rating, and that for political purposes it would be inoperative, since the question with regard to franchise depended on the value of the occupation, and not the mode or the amount of the rating. He could see no necessity for the Bill; if anything could be done, it would be to improve the mode of assessment provided for by the 6 & 7 Will. IV. Whether those provisions were carried out strictly in all cases was, perhaps, a question; and it was probable they were not, but it certainly seemed to him to be useless to introduce a measure which, like this, was perfectly unnecessary.

MR. CLIVE said, that as the second reading was unopposed, it was unnecessary to say much on the contents of the Bill. He had always regarded it as undoubtedly desirable to introduce a system of greater fairness and uniformity in the rating, as well between individuals as between parish and parish. As a rule, the county rate was made separate from the poor rate, but in many cases it was on the poor rate; and therefore, if in one parish the assessment for the poor rate was taken at half, and in another at a third, there was necessarily great inequality in respect to the county rate. The apprehensions expressed as to the expense which this measure would entail were as groundless as the objection that it would deprive overseers and parishes of the power which ought to

belong to them. The members of the select committee to which the subject was last year referred could perhaps best explain the way in which the alteration that had been alluded to in the principle of rating had been made. The other objection as to the sessions not being a proper tribunal, he thought was groundless, because they all knew that the sessions had the power to grant a case for the opinion of the Court of Queen's Bench. The other objections were to mere matters of detail. The object of the Government had simply been to replace that committee in the same position in regard to this matter as they occupied at the end of last Session. As to any pledge from the Government that the measure should not apply to the metropolis, perhaps the hon. Member for the Tower Hamlets (Mr. Ayrton) was in as good a situation as he was last year for imposing such a pledge upon them.

MR. PULLER said, that as a Member of the Select Committee to which allusion had been made, he could state that, as far as his own knowledge of its proceedings extended, the Committee were not responsible for the alteration in the principle of rating which had been made by the Bill.

Bill read 2^o, and committed to a Select Committee.

House adjourned at a Quarter
to Nine o'clock.

HOUSE OF LORDS,

Tuesday, February 18, 1862.

UNITED STATES—IMPRISONMENT OF BRITISH SUBJECTS—CASE OF MR. SHAVER.

THE EARL of CARNARVON said, he was sorry to renew a subject which he had twice brought under the notice of their Lordships. He hoped it would now be for the last time. He had on a preceding evening directed the attention of his noble Friend the Secretary for Foreign Affairs to the forcible detention of three British subjects at Fort Warren, in the United States of America; and as he did not wish to overstate the case in any way, he wished to take that opportunity of correcting, as far as he could, the information he had furnished upon that subject. He had since seen a person who professed to be a relative of one of those three persons, who had told him that that gentleman had

passed under some process of naturalization under the authority of the American Government; and that would of course disentitle him to the protection of the Government of this country. He accepted that statement for what it was worth, and he now mentioned it because he was extremely anxious that he should not be supposed to exaggerate. Having made that explanation, he (the Earl of Carnarvon) had to bring another case of a somewhat similar description under the notice of his noble Friend. The papers relating to the case, for which he had moved had been printed, and were now in their Lordships' hands. He would not trouble them with details. It was sufficient to remind their Lordships that Mr. Shaver, a Canadian gentleman travelling in the States, was arrested and taken to prison. An oath of allegiance, which he construed into an oath of abjuration, was tendered, and refused. Communications passed between him and Lord Lyons, and there was a correspondence between Lord Lyons and Mr. Seward. In spite of remonstrances, Mr. Shaver was detained in prison. A second oath, nearly as objectionable as the first, was tendered, and declined, and ultimately upon the 6th of January, after he had been detained three months in prison without any charge having been made, Mr. Shaver was released, on his consenting to enter into a very extraordinary engagement—an engagement which no Government had a right to exact, and to which no British subject ought, perhaps, to have subscribed—an engagement to the effect that he would neither travel in the Southern States of America nor hold any communication with the people of those States without the consent of the American Secretary of State for Foreign Affairs. He (the Earl of Carnarvon) did not mean to attach any blame to Mr. Shaver in that matter, because he was in a very difficult position; neither did he blame Lord Lyons, for he also was in a very difficult position, and, no doubt, gave the best advice in his power. But the question naturally arose, what claim Mr. Shaver might have for compensation after he had been imprisoned for three months to the injury of his health, to the great disadvantage of his private business, and even, it might be said, at the peril of his life. It seemed to him that that was clearly a case which called for compensation and an expression of regret on the part of a friendly Government; and he was anxious to know whether any

claim to that effect had been put forward by his noble Friend on behalf of Mr. Shaver, or whether he was prepared to make one. He should have thought that his noble Friend would have been one of the very first men to vindicate the rights of a British subject under such circumstances. But after having heard the statement made the other evening by his noble Friend, and after having looked through the correspondence which had been presented to the Members of the House that day, he could not help feeling some anxiety upon the subject. He found in that correspondence no demand for compensation made by his noble Friend; nay, more, he did not find that there was one single scrap of the pen on the part of his noble Friend in reference to that matter. It seemed to him that this was a question of sufficient importance to attract the notice of his noble Friend, and he felt some surprise that there was not the slightest intimation in these papers of his noble Friend's having pursued that course, or of his having even expressed any approval of the steps which had been taken by Lord Lyons. That was not the way Lord Malmesbury acted in the case of the *Cagliari* on behalf of the English engineers who had been detained in prison at Naples. Lord Malmesbury had in that case carefully inquired into the state of the prisoners, and had insisted on their being at once either liberated or brought to trial; and he finally obtained adequate compensation from the Neapolitan Government for the British subjects who had received ill-treatment at their hands; and the noble Earl's course was applauded even by the Members of the present Government who were then in Opposition. Again, that was not the course which was pursued by the present Government in the case of those British subjects who had been kept imprisoned, or who had been murdered during the late war in China. There they obtained compensation both for the survivors and for the relatives of those who had died. Neither was it the course adopted by the noble Viscount the present First Lord of the Treasury in the case of Don Pacifico, who was not even a British subject, but who claimed the protection of the British Government. The noble Earl had said the other evening that the present case had changed its character since the suspension of the Habeas Corpus Act in the United States, and that if British subjects were treated in the same way as

American citizens they could not complain. But that was precisely the plea which was put forward by the Mexican Government when they were asked to offer reparation for the injustice which had been done to a number of British subjects. They said their country was in so disturbed a state that the ordinary laws had been suspended, and they declined to afford to foreigners compensation for the injuries they had sustained under such circumstances. But the Governments of England, of France, and of Spain, would not allow the force of the plea in answer to their demands, and combined for the purpose of obtaining from Mexico the required reparation. Such an argument would be scouted at once if it were used by a European Government, and he saw no reason why any distinction should be drawn between the United States and European Governments. He (the Earl of Carnarvon) should further observe that he believed there never had been any suspension of the Habeas Corpus Act in the United States. The Act had not been suspended; but the writs issued for the purpose of enforcing it had been disregarded by the simple fiat of the American President. Under those circumstances he would ask his noble Friend whether any correspondence had passed between Her Majesty's Government and the Government of the United States, with a view to obtain compensation for Mr. Shaver for the imprisonment to which he had been subjected; and, if so, whether his noble Friend would lay that correspondence before the House; while if there had been no correspondence upon that subject, he hoped his noble Friend would inform them whether he meant to ask for such compensation?

EARL RUSSELL: I will first reply to the question of the noble Earl with regard to the claim for compensation. Mr. Shaver has not made any claim for compensation for the imprisonment he has suffered; consequently, not having received any claim from him, I have not forwarded any to the United States Government. But the noble Earl so proceeded to argue this question, that it is necessary that I should give some explanation as to this and other cases. The noble Earl seems to have forgotten that which appears to me to be the gist of the case, which is this—whether, the writ of *Habeas Corpus* being suspended in the United States, and suspended by an authority which the United States them-

The Earl of Carnarvon

selves think sufficient, there was any sufficient ground for the arrest and detention of Mr. Shaver? In a letter of the 13th of December it is stated that Mr. Shaver made himself, or suffered himself to be made, a medium of communication between the Confederates in arms against the United States Government in the South and their agents in Canada and Europe. That letter also states that Mr. Shaver conveyed arms (revolvers) into the so-called Confederate States.

THE EARL OF CARNARVON: There is no admission of the sort on Mr. Shaver's part. It rests simply on Mr. Seward's assertion, without a tittle of evidence.

EARL RUSSELL:—If the noble Earl would allow me to go on, I was about to say this was the assertion of the United States Government. In a letter of the 17th of December Mr. Shaver declares that all these charges are unfounded; but there has been no investigation either on one side or the other. I think that before I ask for compensation for Mr. Shaver I ought to have satisfactory evidence from him that these charges are unfounded, because if it were true that Mr. Shaver had made himself an organ of communication, had given encouragement to the Confederates in arms—if he had conveyed arms to them—he would then have acted in direct contradiction to Her Majesty's Proclamation, which proclaimed a strict neutrality between the United States and the so-called Confederate States; and the British Government would have no right to ask for compensation. Mr. Shaver has not made any statement of that kind, he has never shown that he was not so engaged, and the case remains on the assertion of the American Government. On a former occasion I referred to what I wish my noble Friend had referred to—the letter of Lord Palmerston in 1848 or 1849 with respect to the suspension of the Habeas Corpus Act in Ireland. Two American citizens were at that time arrested in Ireland, and when the American Minister asked for the reasons of that arrest Lord Palmerston, then Secretary of State for Foreign Affairs, replied that they were engaged in secret societies in America which were intended to foment and encourage revolt and disturbance in Ireland. My noble Friend did not give any positive proof of that assertion, but he simply made the statement on the part of the Government of Great Britain. I do not remember that any compensation was asked for

on that occasion, and I am inclined to believe that the statement made by Lord Palmerston, on the authority of the Lord Lieutenant of Ireland, was perfectly correct, and that there were grounds for the detention of those two American citizens. My noble Friend says that there has been no regular suspension of the Act of Habeas Corpus in the United States. In that respect, again, there is a misapprehension, which is natural enough in this country, and which arises from ignorance of the institutions of the United States. The writ of *Habeas Corpus* in this country depends upon an Act of Parliament, and therefore, whenever you require to suspend it, it is necessary to bring in an Act of Parliament for the purpose. But the *Habeas Corpus* in America is not a special Act, and therefore it does not require an Act of Congress to suspend it in case of insurrection. The question is, by what authority the writ of *Habeas Corpus* can be legally suspended in case of an insurrection? Now, the only point the American Constitution has left vague and unsettled is the authority by which it may be suspended. But it has been assumed, and all parties in America appear to have consented to the assumption, that this authority should reside in the President and the Secretary of State acting under his orders. I do not see that we can contend that this is not a lawful authority, or that being so it is not to be acted on, though it may have been acted on to the injury of British subjects as well as of American citizens. The noble Earl speaks of compensation in these cases of imprisonment, and thinks that such arrests should not be allowed to pass without strong remonstrances on the part of Her Majesty's Government. It appears to me that one must be ignorant of the state of affairs in America to resort to this argument. The United States Government have not merely to deal with a great revolt, but there exists in that country a great civil war; and there are many persons in the Northern States who sympathize with the South, as there may be persons in the Southern States who sympathize with the North. Both to the Government of the United States and that of the Confederate States there is that condition of danger in which they may have recourse to extraordinary measures. If the noble Earl will refer to the history of this country during the Revolutionary War, he will find that the writ of *Habeas Corpus* was frequently

suspended. In Ireland there have been periods when it was suspended almost year after year. Now, can we say that in every one of the cases in which persons were then taken up on suspicion there existed that legal proof on which they could have been convicted? We can say no such thing. If it was necessary to suspend the writ of *Habeas Corpus* in this country, in the circumstances of the French War, I certainly do not wonder that in the present state of things in America the Government should resort to extraordinary measures, though may sometimes work injustice. I confess I think it a lamentable situation for that country, both for the Government of the Northern States, and for those who are in arms against it. It is a great calamity for that country that such a civil war should have taken place. I am therefore disposed to view with some forbearance acts which in other Governments and under other circumstances would call for remonstrance. The noble Earl asks whether I have written to Lord Lyons any other despatch than that laid on the table. I have not written to Lord Lyons in reference to the case of Mr. Shaver, as I believe that our Minister is taking all the steps in the matter that are consistent with his duty. It may be that Mr. Shaver is entirely innocent of the charges brought against him, or it may be proved that he was taken when acting against the Government. In the former case he may demand compensation, and I should instruct Lord Lyons to ask for his release. But as the case at present stands I certainly cannot give any instructions to such effect. I cannot tell whether he was or was not the medium of communication between persons in the North and others in arms for the Confederate States, and till I have some proof on that subject I cannot interfere.

COURT OF CHANCERY (IRELAND)—
APPOINTMENT OF A THIRD TAXING
MASTER.—QUESTION.

THE MARQUESS OF CLANRICARDE asked, Whether it is intended to fill up the Office, now vacant, of a Third Taxing Master in the Court of Chancery in Dublin; also, What progress has been made in collecting Judicial Statistics in Ireland, and how soon the Return for the past Year may be expected to be presented to the House?

Earl Russell

EARL GRANVILLE said, the Treasury had entered into some communications with respect to the appointment of a taxing master. Those communications had not yet closed, and therefore he could give no definite answer on this subject. As to the judicial statistics, it was thought that further improvements might be introduced into the system adopted, and some delay might therefore occur before they were presented.

THE LATE INSOLVENT DEBTORS COURT
—SALARIES OF THE OFFICERS.

QUESTION.

LORD CHELMSFORD said, he had put upon the paper a notice of his intention to ask his noble and learned Friend the Lord Chancellor a question with reference to the non-payment of the salaries, &c., of the Officers of the late Insolvent Debtors Court who have been transferred to the London Court of Bankruptcy under the Bankruptcy Act of last Session; and had done so in order to call the attention of his noble and learned Friend to the subject, and that he might give such an explanation as the case deserved, it being one of very great hardship and injustice to the officers referred to. By the Act of last Session the distinction between bankruptcy and insolvency was abolished, and consequently the Insolvent Debtors Court was also abolished. By one clause in that Act—namely, the 22nd—the chief clerk, clerks, and taxing officer of the Insolvent Court were transferred to the Court of Bankruptcy; and by another clause, the 26th, all monies, Government securities, and funds belonging to the Insolvent Court, were to be transferred to the Court of Bankruptcy; and it was provided that those funds were to be applicable “in like manner as at present,” among other things towards the defraying of the salaries of the clerks and other officers of the Insolvent Debtors Court. The 30th Section also provided that the full amount of their salaries, remuneration, allowances, and compensation should be paid to the officers so transferred. No one could doubt that it was the intention of the Legislature to secure to those transferred officers the amount of salaries, allowances, remuneration, and compensation which they had previously been receiving. But he learnt with surprise, that although several weeks—he had almost said months—had elapsed since the

first quarterly payment became due, they yet remained unpaid. This must manifestly cause much inconvenience, not to say suffering, to the parties and their families, especially to those officers who received very small salaries, which formed their sole means of support. Two instances had been brought under his notice. In one case an officer of the Insolvent Court had undertaken to discharge a debt by instalments, the means of doing so being by the receipt of his salary; but, not receiving it, he had been unable to meet the last instalment. The creditor could not believe that the official salary had not been paid, and thought the excuse was a dishonest means of evading the liability. He therefore put the law in force, and had levied an execution upon his debtor's goods. In the other case, one of the officers had insured his life for the benefit of his family to a small amount, but one of importance to persons in his station; and not being able to pay the last premium, in consequence of his salary being unpaid, the policy had lapsed. These facts evidenced a most extraordinary state of things, and therefore he could not help calling upon his noble and learned Friend to give some explanation. It was clear that these persons were entitled to be paid for their services. There were certain funds applicable for the payment of their salaries; but the salaries were absolutely to be paid, and he did not expect that his noble and learned Friend would reply that, if from any circumstance the particular fund had run dry, therefore these officers were to be deprived of their salaries. He was satisfied that their Lordships would feel that the case of these persons was entitled to consideration.

THE LORD CHANCELLOR said, he was obliged to the noble and learned Lord for affording him an opportunity of making a statement upon this subject. He could say with sincerity that nothing had occurred since the passing of that Act of Parliament which had caused him so much vexation and given him so much pain as to find the unfortunate position in which the officers of the Insolvent Debtors Court had been placed. That position had arisen from the circumstance that words had been used in the Bankruptcy Act to express one particular result, which had been taken, and not unnaturally taken, by the clerks in the Insolvent Debtors Court as expressing another view, and having a different construction; and consequently

the interpretation which they had placed upon these words had given rise to expectations which, unfortunately, he had no means of satisfying. The difficulty arose in this way. The officers of the Insolvent Debtors Court were paid partly by salaries, and partly by fees. The salaries were paid from an annual grant voted by Parliament; but the amount of the salaries was very inconsiderable as compared with the emoluments which the clerks represented that they had received from fees. The money voted by Parliament was a vote expressed to be for the purpose of discharging "salaries, certain allowances, and certain compensations," and the 30th section the Act provided that the Court of Bankruptcy should have the benefit of that vote upon the officers of the Insolvent Court being transferred to it. The language of the 30th section was very extensive at the commencement. It gave to the clerks of the Insolvent Court the full amount of the salaries, remuneration, compensations, and allowances which they had been receiving; but, unfortunately, those words were limited in a manner inconsistent with their ordinary meaning by other words, which provided that they were to be paid "as nearly as may be, out of the same funds and payable in the same manner in all respects as if the Bankruptcy Act had not been passed; and for such purpose the annual sums now payable out of the monies voted by Parliament for the use and purposes of the Court for the Relief of Insolvent Debtors and the officers thereof, shall be paid in future to the credit of the Chief Registrar's account in Bankruptcy." The unfortunate effect, therefore, was that those salaries, allowances, and remunerations were to be paid out of a particular fund; which was itself limited to salaries properly so called, and to allowances and compensations. Now, the difference between the amount of the salaries and remuneration asked for and the amount of the funds out of which they were to be paid was very great, the sum annually voted by Parliament being about £6,000, while the amount now claimed by the officers of the Insolvent Debtors Court was nearly £20,000 a year. It was a painful thing if those gentlemen had relied upon the clause he had referred to as giving them a perpetual annuity to the full amount of the salaries and fees they were at that time respectively in receipt of; but it was impossible that such could have been intended, be-

cause it was quite at variance with all previous legislation to continue to the officers of abolished courts the amount of their fees in the shape of perpetual annuities. If that had been intended, an average of the amount of emoluments would have been ascertained, and compensation thereupon would have been allowed. These officers, however, claimed to receive amounts equal to their salaries and fees which they were receiving at the time of the passing of the Bankruptcy Act. That would give them a very extraordinary amount of salary, and one which varied considerably from a return that had been previously made. All that he could do was to apply the monies voted by Parliament and to make them applicable to the salaries of the clerks. He regretted exceedingly that he had no other power, because he admitted, that if the operation of the clause he had referred to had been such as was represented, the officers of the Insolvent Debtors Court might, while the Bill was before Parliament, have made some claim for compensation; and if he had understood, what he did not at the time know, that those officers were paid by fees, and not wholly by salaries, he should undoubtedly have thought it right to provide some means of compensation. With the imperfect understanding of the facts the clause had been passed, and the result was, that although there were sufficient funds to pay the salaries, properly so called, they were not sufficient to provide for salaries at all equal to those which from these various sources they were in receipt of when the Act came into operation. There was another clause concerning which he ought to give some explanation. The 26th clause provided that certain funds in the possession of the Insolvent Debtors Court should be transferred to the Court of Bankruptcy, and the Lord Chancellor was empowered to apply those funds to three several purposes, one of which was to defraying the salaries of the clerks and other persons transferred. The monies thus transferred had accumulated from unclaimed dividends. They represented sums which might be claimed at any time, but the interest of which monies until claimed had always been treated by Parliament as applicable in part-payment of salaries; and accordingly, although £6,176 only was voted last year for the purposes of the Insolvent Debtors Court, it was reduced to that amount from the larger sum that would have been

The Lord Chancellor

required by deducting the probable amount of interest upon Exchequer Bills that had been purchased with monies arising from unclaimed dividends. The annual Vote had always been worded in this way—

“£6,176 is voted for payment of salaries, and for payment of certain allowances and certain compensations; but it is reduced to that sum by deducting from a larger sum that would be the amount of the salaries, the probable amount of the interest on Exchequer Bills, purchased with unclaimed monies, and applicable under a particular statute in part-payment of salaries.”

What was intended to be done by the 26th section was this:—It was necessary to transfer the funds to the Court of Bankruptcy, because the creditors whose dividends had remained unclaimed would, after the abolition of the Insolvent Debtors Court, necessarily have to apply to the Bankruptcy Court for them. Then power was given to apply to these purposes the dividends, the amount of which had previously been deducted from the sum voted by Parliament for the payment of these salaries. Now these gentlemen had appealed to him—and he did not at all wonder at their appeal—to pay them out of the principal fund that amount of £14,000 a year which the annual Parliamentary vote would be insufficient to meet. It was, however, impossible that he could do anything of that kind; because the principal fund was the property of creditors who might claim it any day, and the utmost he could do would be to apply, in taking out the sum annually granted by Parliament, a proportionate amount of the dividend. The matter had occasioned him the greatest anxiety, and he had directed the opinion of the law officers to be taken, in the hope of discovering some means of affording these persons redress. But the law officers thought it utterly impossible to hold, from any part of the statute, that these clerks were entitled to receive out of the funds in bankruptcy such annual sums of money as were equal to the aggregate of the fees and salaries receivable by them at the time of the Bankruptcy Act coming into operation. They added, however—and it was a feeling in which he entirely sympathized—that the case was such that these gentlemen possessed a strong moral claim upon the consideration of Parliament. He had done the utmost in his power towards relieving some portion of their distress when he offered them salaries very considerably exceeding those which they had been in

the habit of enjoying, but not equal to the total amount of their salaries and the fees which they represented themselves to have been receiving—for he had no means whatever of making up the deficiency of £14,000. He therefore saw but two alternatives open to them under the circumstances—namely, these gentlemen should either accept that offer, or else a further appeal might be made to the House of Commons for that compensation which they would probably have obtained if their case had been rightly understood, or if they had put forward their claim, which they did not do, depending, perhaps, on a construction of the 30th section which now turned out to have been erroneous.

LORD CRANWORTH said, he had heard the result of his noble and learned Friend's speech with the deepest regret; but, after the statement just made, they must all admit that it was impossible for his noble and learned Friend to have done more. The opinion of the law officers of the Crown had been taken, and it appeared, from the mode in which the Act had been framed, that the noble and learned Lord had no power to give these gentlemen that to which they had not only a moral right, but that which it would be a disgrace to Parliament if they did not fully receive. This very question was mooted in the Select Committee on the Bankruptcy Bill, and the noble and learned Lord then on the Woolsack told them it was perfectly clear that these officers were provided for by the measure. It did not occur to any of the Members of the Committee then to look very minutely into the clause. The Act provided that the officers of the Insolvent Court should be transferred bodily to the new Court, that they should hold their offices during good behaviour, and that they should continue to receive the full amount of the salaries, remuneration, allowances, and compensation which they had previously received. It was true it was declared that these should be paid as nearly as might be, out of the same funds as those from which they were formerly derived; but no doubt had been entertained that they would actually be paid them. Certainly, as one Member of the Select Committee, he should feel it a sort of humiliation upon them if the result should be that a numerous body of persons, some of them in a humble position of life, and dependent for the support of themselves and their families upon their salaries, should now be deprived of that to

which they were justly entitled, although it had been stated at the time, by the highest legal authority, that they had been amply and securely provided for.

THE EARL OF DERBY said, that having been a Member of the Select Committee, he could bear his testimony to the accuracy of what had been stated by the noble and learned Lord who had last spoken. He perfectly recollected its having been pointed out in the Committee that these officers received a very small and insignificant part of their remuneration in the shape of salary, and that the greater portion of their emoluments arose from fees paid in the Insolvent Court; that, as that Court was to be done away with, the source from which they derived their emoluments would be done away with at the same time, and that consequently they might be placed in very great difficulty. Thereupon the noble and learned Lord who then sat upon the Woolsack (Lord Campbell) said that ample words had been inserted in the Bill to meet the case, and that he thought them quite sufficient for their purpose.

LORD CHELMSFORD said, that this was not the case of officers who, on their places being abolished, had a claim to compensation. These gentlemen were active and efficient officers who had been transferred from the Insolvent Court to the Court of Bankruptcy, and were entitled to the remuneration contemplated by the Act. The 30th section said that the chief clerks and other persons employed in the Insolvent Debtors Court, upon being in the manner therein provided transferred to the Court of Bankruptcy, should "severally continue to receive the full amount of the salary, remuneration, allowances, and compensations which they now respectively receive." Could there be a doubt that it was the intention of the Legislature by these words to place them in the Bankruptcy Court in precisely the same position they had occupied as officers of the Insolvent Court? The language of the clause went on to say that they should receive these emoluments, "as nearly as may be, out of the same funds, and payable in the same manner in all respects, as if this Act had not been passed." He could confirm what his noble and learned Friend (Lord Cranworth) and his noble Friend near him had said as to what passed in the Select Committee relative to these last words. It was suggested that, as the Insolvent Debtors Court was to be abolished, and the fees payable in it would be abolished with it,

there might be no funds out of which to defray these salaries and the amount of these fees. The noble and learned Lord then on the Woolsack said it was impossible to put that construction upon the Act, and the objection was withdrawn, it being then little thought that these words would be urged against the claims of these persons by a future Lord Chancellor.

THE LORD CHANCELLOR denied having urged these words against them.

LORD CHELMSFORD: The Legislature clearly intended that these officers should receive their full salaries and emoluments, and it would be most unjust to deprive them of them. The right construction of the Act, he submitted, was that they were to receive their full salaries and emoluments at all events, although, for the sake of convenience, it was provided that they should be paid, as nearly as might be, from the same funds and in the same manner as if the Act had not been passed. If, however, the interpretation of the law officers of the Crown was the true one, no time ought to be lost in introducing a Bill in the other House of Parliament to remedy this grievance.

THE LORD CHANCELLOR said, that he had never intended to do anything of the kind which had been suggested in reference to these unfortunate men; and, in fact, he had simply stated the grounds upon which the law officers of the Crown had come to their conclusion. So far as argument was concerned, he should have been exceedingly happy if the construction put upon the Act by the noble and learned Lord who had just sat down were the true legal construction. He disclaimed any intention to press the language of the Act against these gentlemen, and, indeed, he thought that the language used quite evidenced an intention to give them the fullest possible remuneration, the only difficulty being that the words were used without an adequate understanding of the case. Upon the other subject which had been mentioned he might say that he had never from the commencement had any doubt about the propriety of giving these gentlemen full remuneration; but he had no means of doing so. This matter had been discussed again and again, and he thought that these gentlemen must undoubtedly be left to the proper mode of seeking for redress. He hoped that their Lordships would agree that with his limited power he could not have made a more liberal offer than that of giving them

Lord Chelmsford

the appointments in the Bankruptcy Court at increased salaries. All payments in the Bankruptcy Court, however, must be made by salaries, and not by fees; there had been misapprehension upon that matter, but that ought not to operate unjustly, and he should be exceedingly happy if the House of Commons should adopt the same view; and, as far as he was concerned, he should be glad to promote any measure which would give these gentlemen the redress to which they were entitled.

LORD CHELMSFORD explained, that what he had meant to say was that his noble and learned Friend had urged the words in the statute as the ground of his inability to give these officers the remuneration to which they were entitled.

RIGHT OF SEARCH.—PETITION.

THE EARL OF DERBY *presented* a Petition from certain inhabitants of Manchester praying for inquiry into the Law respecting the Right of Search. The petition was signed by the Chairman and Secretary of the Foreign Affairs Committee at Manchester, and they expressed their opinion that the seizure of the Southern Commissioners on board the *Trent* was justified by the law of nations, and that our remonstrance involved an abandonment by us of the right of search; and they further thought that there was no validity at all in the engagements entered into by the Earl of Clarendon in 1856; and they prayed that their Lordships would appoint a Committee to inquire into the whole state of international law in reference to belligerent rights. He had informed these gentlemen that he thought that their arguments were founded in error; but as they nevertheless wished him to present their petition, he of course did so. He had also to present, another petition of a like kind from a similar body at Leeds.

Petition to lie on the table.

House adjourned at half-past Six
o'clock, to Thursday next,
half-past Ten o'clock.

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#### HOUSE OF COMMONS,

*Tuesday, February 18, 1862.*

MINUTES.]—NEW MEMBER SWORN.—For Leicester  
Borough, Peter Alfred Taylor, esquire.  
PUBLIC BILL.—1° Trade Marks.



## GREAT NORTHERN RAILWAY

(No. 2) BILL.

SECOND READING.

Order for Second Reading read.

MR. J. BROWN said, he rose to move that the Bill be read a second time that day six months. He would beg to remind the House that on no less than four previous occasions had the Great Northern Railway Company been defeated in their attempts to obtain Parliamentary sanction for making the line contemplated by the Bill. The question, therefore, that the House had to consider was, whether they would allow a company such as the Great Northern, gigantic in its resources, strong in its Parliamentary influence, and overwhelming in the number of its adherents, to introduce Session after Session into Parliament Bills that were substantially the same in their character and object. Moreover, the line proposed did not satisfy the requirements of the district. He hoped the House would on the present occasion mark its sense of the course pursued by the Great Northern Company in the matter by rejecting the Bill.

MR. PACKE expressed a hope that the House would read the Bill a second time.

VISCOUNT GALWAY said, he considered that as their decision had been given once, it ought to be final. He therefore supported the Amendment.

MR. ROEBUCK observed, that he did not think the House was the best tribunal to try a matter of the kind before them. He recollected that when a direct line was proposed from London to Portsmouth the country was up in arms, and of course the Bill was thrown out, and the country gentlemen were left to mourn over their victory. The House would do well to send the matter to a Committee.

MR. MONCKTON MILNES agreed that a Committee was the proper tribunal, but then it should be made a condition that the losing party should pay the costs. It was because he and his friends had already been heavily mulcted, owing to the unjust constitution of that tribunal, that they appealed to the House to settle the matter at once.

MR. MASSEY said, he should have been inclined to vote for the second reading of the Bill if its merits had not already been investigated before a Select Committee. Since then three attempts had been made to re-open that decision, but unsuccessfully, and that was a fact to which due weight should be attached. No very im-

portant public interests were involved in the case, the object being merely to construct nine or ten miles of railway to relieve a very large and increasing traffic upon the Great Northern line. He was satisfied that the case had been sufficiently heard, and he should vote for the Amendment of his hon. Friend.

Second Reading *negatived* without a division.

## REFORM OF PARLIAMENT.

QUESTION.

MR. COX said, he would beg to ask the First Lord of the Treasury, Whether it is the intention of the Government to introduce this Session a Bill to amend the Representation of the People in Parliament?

VISCOUNT PALMERSTON: Mr. Speaker, it is not the intention of Her Majesty's Government to introduce a Bill on that subject this Session.

## TREATY WITH JAPAN.—QUESTION.

MR. WHITE said, he wished to ask the Under Secretary of State for Foreign Affairs, Why Nee-e-gata, or some other convenient Port on the West Coast of Nipon, was not opened to British Trade on the 1st day of January, 1860, as was stipulated by the third article of the Treaty with Japan; and whether British subjects will be allowed to reside in the city of Yedo, as was likewise stipulated in the same article of the above-named Treaty?

MR. LAYARD replied, that Her Majesty's Government had not thought it expedient to ask the Japanese Government to open this Port of Nee-e-gata on the West Coast of Nipon, or to allow British subjects to reside in Yedo. In a few days the Papers relating to Japan would be laid upon the table of the House, and the hon. Gentleman would then see why that decision had been come to.

## MILITARY MURDERS.—QUESTION.

MR. RICHARDSON said, he would beg to ask the Secretary of State for War, What precautions have been taken to prevent the repetition of the numerous Murders of their Officers by Soldiers in the British Army; and whether it is in contemplation to discontinue the practice of permitting Soldiers to retain ball cartridge in their barrack rooms?

SIR GEORGE LEWIS : Sir, I have had under consideration the alternative contemplated by the second branch of the hon. Gentleman's question,—namely, the depriving of Soldiers in all cases of ball cartridges, with a view to prevent those very disastrous occurrences of which there have been several recent instances. On consulting with the military authorities, it appeared to me very doubtful whether it was possible to make any regulation on the subject which would be effectual, because in most regiments there is a system of frequent ball practice, and it is also necessary to serve out cartridges to soldiers on guard, on escort duty, and on various other occasions of a similar nature. It would be easy for any ill-disposed person to secrete a single ball cartridge, and it would be almost impossible by any vigilance to make it certain that the exact number served out were returned into store. Under these circumstances, I shall not advise the Horse Guards to make any regulation on that subject. However, I have under consideration an alteration in the law by which, in the case of murders committed by private soldiers on their superior Officers, the trial and punishment will follow the offence more speedily than under the present procedure. I trust a Bill giving effect to this alteration will shortly be laid on the table of the House.

#### UNITED STATES—BLOCKADE OF THE SOUTHERN PORTS.—QUESTION.

LORD ROBERT CECIL said, he wished to ask the Under Secretary of State for Foreign Affairs, How soon the Papers which have been promised upon the subject of the American Blockade, are likely to be laid upon the table?

MR. LAYARD said, the papers referring to the subject were being prepared with every possible despatch, and he hoped they would be laid on the table by the end of the week; but if not by that time, they would be produced as soon as possible afterwards.

#### MARRIAGES OF AFFINITY. QUESTION.

MR. BLACKBURN said, he wished to ask the hon. Member for Pontefract, Whether, as his Marriages of Affinity Bill extends to Ireland and Scotland, it is his intention to proceed with the second reading on so early a day as to-morrow?

MR. MONCKTON MILNES said, he  
*Mr. Richardson*

must beg to assure the hon. Member that his absence on the previous day, when the same question had been asked, was not attributable to want of courtesy. He had seen the question for the first time on his return to the House. A week had elapsed since he acceded to the desire which was expressed that the operation of this Bill should be extended to Ireland, and such an interval was surely sufficient. He had made arrangements which, he regretted to say, would prevent his acceding to the request now preferred by the hon. Gentleman.

#### AMALGAMATION OF THE INDIAN ARMY.—QUESTION.

COLONEL GILPIN said, he rose to ask the Secretary of State for India, Whether, in consequence of the effects of amalgamation upon the prospects of a considerable number of Officers in India, many of whom had rendered good service to the State, and who have already lost the money paid for their promotion on the faith of a General Order of the Court of Directors, dated May 1858, and who are now receiving Indian pay and allowances for doing comparatively nothing, these Officers or any of them, will be allowed the option (in accordance with the recommendation of the Commissioners) of retiring upon a moderate bonus?

SIR CHARLES WOOD said, the hon. and gallant Gentleman was probably aware that an offer had been made on the part of the Government to a number of officers of the late Indian armies of the ranks of Lieutenant-Colonel, Major, and Captain, that they should be entitled to retire, if they should think it desirable, on very liberal terms. A smaller number of officers accepted the offer than it extended to. Besides this, a bonus had been offered to all officers entitled to do so, and beyond this he did not think the Government would be justified in making any further concession.

#### LAND DEBENTURES (IRELAND). LEAVE.

MR. VINCENT SCULLY said, he rose to ask for leave to bring in a Bill for authorizing transferable debentures to be charged upon land in Ireland. The subject was one which he should not have had the presumption to bring before the House, were it not that to which of all others he had



devoted his especial attention. He might say that it was the subject on which originally he came into Parliament. When he had the honour of submitting the matter to the House on a former occasion, it was as a portion of a much greater measure to facilitate the transfer of land in Ireland by means of registration of title. That measure had obtained a second reading in June, 1853, and was referred to a Select Committee over which the right hon. Gentleman the present Speaker presided. Although he had confined his measure to Ireland, the subject was one equally interesting to England, as, if it worked beneficially for Ireland, it would, no doubt, be adopted here as soon as it found it convenient to do so. The object of his measure was to simplify the charges upon land. He had intended to bring forward a more extensive measure, but the larger portion of the subject he would not then dwell upon, because he saw that it had been made the subject of the day. It was the only species of reform mentioned in Her Majesty's speech; and he was happy to see from that morning's papers that it had been brought forward in another place by the Lord Chancellor. However, he felt that it was open to him to do what he proposed on the present occasion, because the noble and learned Lord's scheme did not include any system of land debentures. The House would recollect that a Royal Commission had been appointed to consider the question of registration of titles. He had the honour of being one of the Commissioners, and his plan was considered by them. In page 17 of their report the Commissioners stated—

“With regard to the system of land debentures proposed by Mr. Scully's plan, we conceive that it is not within the range of the inquiry submitted to us, and therefore do not recommend it. There is not in England any adequate machinery for ascertaining judicially the value of land, through a public map or general valuation, such as exists in Ireland. Although we do not recommend the adoption of a judicial system of land debentures, we think it right to observe that there may be facilities for trying it in a proper manner in Ireland, where strong opinions have been expressed in its favour.”

The system of land debentures which he now proposed, and which he had proposed for the last fifteen years, was simply that through the machinery of a land tribunal there should be a mode of investigating and ascertaining the fair and proper value of land, and that the Court should be at liberty to authorize the issue of debentures

chargeable on the land, say to about the moiety of its value. If, for instance, the Judicial Tribunal considered that the annual value of certain land was £1,000, and the selling value £20,000, or twenty years' purchase, they might issue statutable Parliamentary debentures to the amount of £10,000. There might be 100 of these debentures, of the value of £100 each; which would have equal priority, and bear an equal rate of interest payable upon stated days. There were abundant precedents for the establishment of land debentures; but no general plan of the kind which he proposed had ever been adopted in this country. In Hanover, Prussia, and other parts of the continent, however, the principle had been recognised. In 1852 it was introduced with much advantage into France, through the system of *Crédit Foncier*. The principles and operation of the Prussian system were fully explained in a treatise, published in 1853, by the hon. Member for Westmeath, and also in an article in the *Westminster Review* for October, 1857. As to land banks or land companies, he believed that the landlords of Ireland would not at present avail themselves of such establishments, though they would take up what he proposed. The advantages of land debentures were very obvious, and would be participated in by all classes. At present, when a gentleman, having land to the value of £1,000 a year, wanted to borrow £10,000, he had to employ an attorney, incur heavy law costs, and sometimes to pay a large commission to the person who procured the loan; and in charging his estate with £10,000 he, in most cases, did so serious an injury to himself that it would have been better for him to have sold half his land. Charges incurred in that way were seldom got rid of—not in one case out of ten. Let any one put himself in the position of an owner, or buyer, or seller of land. If a man bought land to the extent of £20,000, it would be often convenient to pay a portion of the purchase-money by means of debentures of this description. If, on the other hand, a landowner became a seller of land, it was probable he would have more bidders for his estate, and would obtain a better price for it. An encumbered owner would be manifestly benefited by the ability to issue such debentures, and the unencumbered owner would not be injured by it. He had already fully described the nature of his proposal in a speech

which he had delivered in that House in May, 1853. If any hon. Gentleman wished to read it, he had a copy at his service, and its perusal would save hon. Members the trouble of hearing him at much length on the present occasion. The description of land debentures which it would be desirable to issue was matter of detail, and might be safely left to the Landed Estates Court. It would be sufficient that they should pass from hand to hand with a Parliamentary title. Under the English Lands Improvement Act of 1853 certain land debentures were empowered to be issued, which might be transferred to bearer. There were many high authorities in favour of some such plan for Ireland. The Royal Commission on Registration of Title had in substance approved of the general principle—

“A statutory enactment conferring all the powers which a mortgagee now usually possesses under distinct provisions of his deed, coupled with a registration of the charge, as well as of the land, might probably be framed so as to give to charges on land the same advantages and the same facilities of transfer as those which attach to railway debentures.”

Among the witnesses who had given their evidence generally in favour of the principle of the plan he proposed, were Mr. Commissioner Longfield, Mr. Commissioner Hargreave, Master Brooke, Sir Richard Griffith (who was well acquainted with the ordnance survey and general valuation of Ireland), Sir Mathew Barrington, Sir Mathew Sausse, Chief Justice of Bombay, and other experienced persons. Mr. Commissioner Hargreave said, in his answers to the Registration Commissioners—

“I think that the creation, transfer, and extinguishment of charges on land ought to be rendered as simple as the transfer of the land itself; but I have not considered any plan for effecting that object, except the one proposed by Mr. Vincent Scully. I should regard this as an important feature of any permanent system of land transfer, and I think it would greatly increase the value of securities on land, and tend to diminish the average rate of interest at which landed proprietors would be able to obtain advances.”

Mr. Hargreave spoke with the high authority of a Commissioner of the Encumbered Estates Court. At present it was considered discreditable to a man to mortgage his property, and if he were in difficulties it was sometimes his ruin. But if the proposed description of charge were sanctioned, there would be nothing discreditable in a landowner with an estate, say

*Mr. Vincent Scully*

of £1,000 a year, availing himself of the privilege of obtaining debentures to the extent of £10,000, which would be useful at any time to stock his farm, to give a portion to one of his children, or for other purposes. Should any objection be made to the Bill, he would take the liberty of renewing the subject on the second reading, but he hoped that the House would allow not only the first, but the second reading also, without any necessity for his troubling it further.

MR. POLLARD-URQUHART seconded the Motion. The supporters of the measure were not asking for any special power in asking for a power of issuing land debentures, and he thought there was every reason to induce the Legislature to listen to those whose object it was to ameliorate the burdens upon land. By the existing system, not only was the interest on money borrowed on land enhanced, but the general expense of management much increased. It had been calculated that this increase amounted to as much as  $1\frac{1}{2}$  per cent, and he believed that, by a well-considered measure, the interest on loans on the security of land might be lowered so much as to form a sinking fund sufficient to pay off a mortgage in one generation. A similar plan had been tried in Prussia and in France with great success. It was introduced into Prussia by Frederick II. at a time when, consequent on the great war in which Prussia had been engaged, the condition of Prussian landlords was no better than that of Irish landowners immediately after the famine. And the plan had been productive of great benefit. The same thing had been tried in France also with great success. He knew but of two objections to the plan, first, that it would give too great facilities to borrowers. But mortgages were frequently resorted to to pay off debts already incurred, and the existence of a system which rendered borrowing expensive added to the evils which the landowner was suffering under. In the next place it was objected that the debentures would go into currency, but that objection would equally apply to bankers' cheques and bills of exchange.

MR. H. HERBERT said, he was not quite prepared to recognise the great advantages which were expected by the hon. Mover and Seconder to flow from this scheme. Both speakers had assumed that it was a great advantage to facilitate mortgages of land in Ireland. But, notwithstanding the difficulties which sur-



rounded the borrowing of money on landed security, it was well known that Irish landlords had contrived to borrow pretty extensively. Besides, he looked on the scheme as a step in the direction of a reversal of the policy which originated the Encumbered Estates Courts, which it was generally acknowledged had led to highly beneficial results. The House had been asked whether it was not an advantage to enable a man to buy a property which he could charge with half the purchase money. In other words, to purchase property which he had not the money to pay for. In his (Mr. Herbert's) opinion, it must be deemed more beneficial for the purchaser to buy half the estate and pay for it. At all events, he hoped that ample time would be given for a discussion of the measure, and that the subject would receive from the Government that consideration which its importance demanded.

MR. GEORGE said, he thought it right to draw the attention of his hon. and learned Friend to the circumstance that it was the intention of the right hon. and learned Member for the University of Dublin (Mr. Whiteside) with the concurrence of one of the Judges of the Landed Estates Court in Ireland, to introduce a Bill somewhat analogous to the Bill which it was now sought to bring in. Under these circumstances he reserved to himself and to his right hon. Friend the right of dealing with this Bill hereafter as they might think proper.

SIR ROBERT PEEL said, that no doubt the hon. Member for the County of Cork had given great consideration and attention to the subject; but, at the same time, as the House did not yet know the details of his Bill, the discussion of the proposition had better not be entered upon until some further opportunity.

MR. HADFIELD remarked, that the practice of purchasing £100,000 worth of land with £50,000, and borrowing the remainder, had led to one of the difficulties which had rendered the establishment of the Encumbered Estates Court necessary. Supposing there were many lenders on one estate, as the hon. Member for Cork proposes, and the owner wanted to sell an acre, would not the concurrence of all the mortgagees be necessary? Supposing, further, the interest not to be paid, who was to foreclose? who was to take possession? who was to receive the rents? Legislation concerning real estate appeared to be running wild. Five Bills

affecting land had been introduced into the other House only last night. It was a very difficult thing, indeed, to alter the present law affecting landed estates, and he had not yet heard a description of any machinery by which advantageous changes could be effected. So far from removing the difficulties in dealing with real property, the proposed course of legislation seemed to multiply them, and instead of diminishing the expense to increase it. He could not see how the matter could be profitably dealt with unless the House were prepared to register estates in the same manner as Consols or railway and canal stock were registered, and to give a trustee of the legal estate an absolute right to transfer the property discharged of all equitable claims upon it.

MR. VINCENT SCULLY said, he was surprised to find himself misunderstood by the right hon. Member for Kerry (Mr. H. Herbert), who, as long ago as April, 1831, was selected as the organ of the Irish landlords for submitting a petition for a similar measure to the consideration of the then Attorney General, Sir John Romilly. Instead of encouraging the encumbrance of estates the Bill would limit the amount to half the value.

Leave given.

Bill for authorizing transferrable Debentures to be charged upon Land in Ireland *ordered* to be brought in by Mr. SCULLY and Mr. POLLARD-URQUHART.

#### TRADE MARKS BILL.

COMMITTEE. RESOLUTION. FIRST READING.

Trade Marks—*considered* in Committee.

(In the Committee.)

MR. ROEBUCK said, that the subject he was about to bring under the consideration of the Committee was one of great importance. As he had no personal experience of the manufactures of this country, the statement he was about to make was founded chiefly on facts derived from some of his constituents, and he deemed it the duty of a legislator to state nothing except that which he really believed. His knowledge of the subject also was chiefly confined to the hardware manufacture, and he trusted, therefore, that those hon. Members who were acquainted with other branches of industry would freely state their experience upon the subject. He would first of all mention the object he had in view, and would then state shortly the means by which he sought to attain

that object. The manufacturers of this country had, by dint of labour, industry, and skill acquired for themselves great reputation; and when a man had manufactured an article—say a table-knife, for which he had obtained a reputation—he wished, when it was sold, that it should be known to be of his manufacture, and he therefore not only put his name to the article, but also affixed to it his mark or symbol. That mark might be two crossed arrows, and the man's article so marked obtained a reputation, and the mark itself acquired a money value. Now, all he had in view by his proposal was to preserve to that man his mark or symbol. It was not desired to throw any difficulty or obstruction in the way of any honest man doing an honest act. Let a manufacturer make a table-knife, and put whatever mark he pleased on it; but let not the forgery of another man's mark be put on the article. He was well aware that a man who had a bad reputation in trade was anxious to avail himself of the credit attached to the name of one who had the character of supplying good articles, and he should perhaps illustrate better what he meant, not by a reference to our own manufacturers, although he believed there was no small amount of roguery in England, but by calling attention to the proceedings of some manufacturers abroad. Within the last month one of his constituents had been addressed by a Prussian manufacturer to the following effect:—

“I will make for you an article of hardware with any Sheffield mark you please. You have only to send to me and to tell me what mark you wish to have put on it. Not only will I do this, but I shall put the article in a wrapper of the Sheffield manufacturer, or one so like it that nobody can perceive the difference.”

Why, he would ask, did the Prussian manufacturer act in that manner? There were strong reasons. He wanted to come into the market and to compete with the Englishman advantageously; and how was that effected? He manufactured a bad article, affixing to it an English mark and price, which was a high one; while he made a good article, affixed to it his own mark, and put upon it a lower price: so that both standing in the market together, a sort of slur was cast upon the Englishman, inasmuch as the foreigner could say, “Here are my goods, see how much better and cheaper they are.” So that of two articles made by the same man, the one was attended by a forgery, and the other

with a lie. His constituents had had for many years a corporation in the town of Sheffield called the Cutlers' Company, and that company had had the case of the trade marks of individuals so regulated that any man might have his trade mark registered at any time. What was it, then, that he wished to have done? He desired to see the English manufacturer so protected that he might use his own symbols free from forgery, so that the world might know that the mark which he called his trade mark was his alone. With the view to effect that object, he asked for leave to bring in a Bill. He had such a measure in his pocket, drawn up by certain persons in the town of Sheffield; but he must, at the same time, state that the difficulties which he had pointed out also attended the trade of Manchester and Birmingham. There were, he was afraid, many persons both in and out of England, who obtained a dishonest livelihood by forging those trade marks. An instance had been laid before him in the case of a reel of thread with the name of the maker on the end of it, in which the mark of a manufacturer had been imitated, the reel containing, instead of 500 yards, only 200 yards, which was thus palmed off as the larger measure. Now, the man who committed an act of that kind was not, he contended, an honest manufacturer, but a forger. What he desired was, to put down as far as possible such proceedings for the future. He did not, however, expect the House would pass the Bill which he asked leave to introduce; nor did he ask hon. Members to take that course. All he desired was to be allowed to bring it in, so that he might have standing ground for the next step, which would be to move that a Select Committee might be appointed to which his Bill and the whole subject might be referred. The right hon. Gentleman opposite (Mr. M. Gibson) had also announced it to be his intention to introduce a measure of a similar nature, which would, he supposed, in like manner be referred to the Committee, so that evidence from the various towns of England might be adduced before a tribunal competent to deal with the matter. The Committee might have the aid of professional men, who would be able to deal with the law points involved, and as all he sought was their assistance and that of others in putting down fraud, the Committee would not, he trusted, oppose him in that endeavour. He had no hope of passing the Bill as it



stood without inquiry, but still he thought it right to put hon. Members to some extent in possession of its contents. In the first place, then, it made the forgery of a man's trade mark a misdemeanour, while in the next place it gave a summary jurisdiction in the case of such forgery. Besides that, it sought to give effect to a law of reciprocity between ourselves and other nations, so that if another country protected English manufactures abroad, we should protect theirs at home; and that, as an Englishman might register his name in a book of registration, so might a foreigner, who would then be entitled to the protection which the former enjoyed, it being made a *sine quâ non* that there should be complete reciprocity. He would not further take up the time of the Committee, but in moving for leave to introduce the Bill, he would conclude by expressing an opinion that a great service would be rendered to the manufacturing interests if the subject were investigated by persons competent to deal with it, and that in this manner the skill and industry of the honest trader would be protected, while no one would suffer but the rogue.

#### Resolution moved,

"That the Chairman be directed to move the House that leave be given to bring in a Bill to amend the Law relating to the counterfeiting or fraudulent use or appropriation of Trade Marks, and to secure to the Proprietors of Trade Marks in certain cases the benefit of International Protection."

MR. MILNER GIBSON said, he merely rose for the purpose of saying that the Government had no objection to assent to the course which the hon. and learned Gentleman proposed. A Bill had been introduced last Session with a view to remedy the evils of which he complained. That Bill had passed through the other House of Parliament, but it had not been proceeded with in the House of Commons owing to that absence of inquiry into details which it was the hon. and learned Gentleman's intention to secure by referring his Bill to a Select Committee. The Government had given notice of the introduction of a measure that very evening on the same subject, which they should be glad to refer to the same Select Committee, so that probably out of the two measures, and as the result of the investigation, a practical and satisfactory scheme might be devised. Although, however, almost all persons were agreed in condemning the forgery of trade marks as a crime,

still it was extremely difficult in practice to give effect to that opinion without attempting to do more than was intended, and thus expose innocent persons to the hardship of vexatious prosecutions. The question which, under the circumstances, naturally suggested itself was, what was a trade mark, and how far were A and B entitled to the exclusive use of such a mark, so that C might be liable to punishment for adopting it? It was not sufficient to show that a person used a certain trade mark to entitle another to prosecute him, but that it had been so used as to become known to the world that it was the mark of the person by whom it was employed. With respect to the question so far as it related to foreigners, he would not say that he quite concurred with the hon. and learned Gentleman in the course which he proposed to take. That course appeared to him to be of a somewhat retaliatory character, inasmuch as it pointed to our withholding protection from other countries unless they extended to us reciprocity. He believed he might add that the complaint had been made in foreign countries, that though England gave the benefit of her laws to foreigners, those laws were so bad that no practical redress was to be obtained when foreign trade marks were forged. We ought, therefore, to make our laws such as would afford a practical remedy both to foreign and home manufacturers. When foreigners found they could obtain redress in this country for the fraudulent use of their trade marks they would, no doubt, afford similar protection to our own countrymen. He had heard it alleged that the forgery of trade marks was largely practised in Prussia, but he was not aware that any appeal had been made by an Englishman to the laws of that State, and, until that was done, it could not, of course, be asserted that no legal redress could be procured there. The question of registration was very difficult. It was altogether a different case from the registration of designs. In the case of designs registration created a new kind of property, which would not otherwise have existed, but in the case of trade marks the operation would not have the same effect, since the law already recognised a property in those marks and rendered it a civil offence to forge them. Registration might, therefore, prove an obstacle in the way of the honest possessors of trade marks, because they would require to pay fees and go through forms which were not now necessary before

they could sue and defend their rights. These, however, were mere details. The Government fully acknowledged that it was necessary to do something to remedy the evils complained of; but at the same time they were fully alive to the nice questions of law that arose concerning trade marks, and felt that care must be taken to prevent innocent traders from being exposed to frivolous and vexatious prosecutions.

MR. CRAWFORD remarked, that the course taken by the Government on the subject would prove very satisfactory to his constituents. Although there were not many manufacturers in the city the large warehousemen were deeply interested in the Bill, so far as it would render them liable to prosecution for innocently selling articles which had fraudulent trade marks upon them; and he was glad, therefore, to hear that they would have an opportunity allowed them of stating their views to a select committee.

MR. LOCKE said, that he agreed with the hon. and learned Gentleman, the Member for Sheffield; but there was another fraud to which attention ought to be drawn—namely, the practice of manufacturers themselves putting false trade marks upon their goods. For example, a case was tried not long ago in the Court of Queen's Bench, when it was proved that a well-known manufacturer had been in the habit of sending reels of cotton into the market with less cotton on the reels than the figures on them denoted. He thought that a summary conviction should be provided for in such cases. He was at Paris, when Mr. Cobden was there negotiating the French treaty, and that Gentleman's Secretary had told him that one of the principal difficulties with which they had to contend in obtaining reciprocal legislation for the protection of trade marks was the very fact that English manufacturers were found to falsify their own trade marks, the Gentleman to whom he referred having specially mentioned the false quantities on reels of cotton as an instance of the frauds in question.

MR. HADFIELD said, he thought the Bill ought to empower the Government to enter into arrangements for reciprocity on this subject with foreign countries. He held registration to be essential, and saw no difficulty in managing it. An old established system of registration for trade marks existed in Sheffield, and had worked very well. The manufacturers of that town complained bitterly of the ill-treat-

*Mr. Milner Gibson*

ment which they received on the Continent, where their trade marks were widely pirated. When they cautioned the public by advertisement against the forgery, the impostors actually had the effrontery to advertise that they alone sold the genuine article. He trusted there would be no difficulty in providing a safe, economical, and efficient means of protection for honest traders.

MR. CRUM-EWING remarked, that he should support the motion for the introduction of the Bill, the question being one in which his constituents were deeply interested.

MR. MILNER GIBSON said, that he rose to state that his hon. and learned Friend, the Attorney General, who had been unfortunately obliged to leave the House, would lend his assistance in the consideration of this subject, upon which he had already bestowed much attention.

MR. ROEBUCK said, that the right hon. Gentleman, the President of the Board of Trade, had referred to the effect which the Bill might have upon the innocent manufacturer; but he (Mr. Roebuck) would remind him that the innocent manufacturer was not in the practice of imitating the trade marks of other persons. [Mr. MILNER GIBSON: I spoke of the innocent seller.] They need not be afraid that the measure would injure any honest man. The measure might injure rogues, and he should be very glad if it did so.

*Resolution agreed to.*

*Resolution reported.*

*Bill ordered to be brought in by Mr. ROEBUCK, and Mr. HADFIELD.*

#### AUSTRALIAN EXPLORING EXPEDITION.

##### MOTION FOR DESPATCHES.

MR. CHILDERS said, that in moving an Address for the production of Copy of all Despatches from Sir Henry Barkly and the other Colonial Governors upon the subject of the successful crossing of the Australian continent by the expedition under the charge of Mr. Burke, he would ask the indulgence of the House while he called their attention to this important expedition. He would remind the House that considerable sums of money had been voted on previous occasions for the purpose of defraying the cost of similar expeditions, and these had been supplemented by colonial votes and subscriptions; but that, until the present occasion, the Australian continent had never been success-



fully crossed, either from east to west or from south to north. Formerly the colonies who had borne the expense of these expeditions had been those immediately adjoining the land explored; but on this occasion the expense was borne entirely by a colony which would appear to have had no interest in the matter whatever, being separated by three other colonies from the territory explored, but to have been actuated purely by public spirit; and it was a curious fact that this expedition should have been the first that had been entirely successful. He thought an act of such public spirit on the part of one of our youngest colonies justified him in bringing this matter under the notice of the House. It would not become him to speak at any length of the circumstances which attended the prosecution of the expedition. It was well known that it ended in the lamentable deaths of many of the explorers, but the great objects which were sought by it had been entirely obtained. He hoped, however, that he might say a few words as a tribute to the very remarkable man who was the leader of the expedition, and to whose energy and ability it mainly owed its success. Mr. Burke, with whose name the successful discovery of large tracts of country in the Australian colonies was connected, was a brother of the gallant Engineer officer whose deeds at Silistria in the early part of the Crimean war were so famous. No man was more remarkable for public spirit or for great energy and talents. He was an accomplished musician and artist, indeed a man of the most varied acquirements. After the death of his brother, Mr. Burke threw up a lucrative position in the colony to take part in the Crimean war, and he again resigned a good appointment to take charge of this expedition, in the course of which he and two of his companions, Wills and Becker, had lost their lives. As to the circumstances of their death and the abandonment of the place at which they ought to have been met he would say nothing, because the whole subject was under investigation by a distinguished commission appointed in the colony. But as to the result of the expedition, he might say that it had been to establish for the first time the fact that, in addition to the territory occupied by the great colonies situated on the eastern and southern coasts of Australia, there was to the north land abundantly supplied with good water and well suited for agricultural and pastoral purposes, and sufficient for the

accommodation of equally important settlements. At the present time, when new territory suitable for the growth of cotton was everywhere sought after, it was of the greatest importance that it should be known that such had been discovered ready at once for the occupation of the white man, and that the Government should come forward in the matter and add one if not more to the many rich dependencies of which the country boasted. The dreams of fifteen or twenty years ago, those dreams which were shared in by the right hon. Gentleman the Chancellor of the Exchequer, and in which the House and the country for a long time joined, but which were thrown back by previous failures, were now established facts; and nothing would be more easy, with the co-operation of enterprising settlers and the Crown, than to establish a colony on the northern coast of Australia, which would add as much credit, he hoped, to the English name as the great settlements in the south. Upon the subject of this expedition the noble Duke at the head of the Colonial Office had said, that when the results were known, it would be time to see whether further steps ought to be taken by the English Government. He (Mr. Childers) thought that that time had now arrived, and the House would have to consider very soon the propriety of giving a proper establishment to the settlements which would spring up in the newly discovered districts. When the matter was dealt with, the House might expect the greatest advantages to accrue to this country, and therefore, while placing the greatest confidence in the course so far adopted by the Colonial Office, he hoped that the same would be pursued, and that the time would come when the colony of Burkesland would become one of the most flourishing of the British dependencies.

MR. KINNAIRD said, that he hoped, after the statement of his hon. Friend, that the Government would consider whether some steps should not be taken to perpetuate the memory of the leader of this expedition. The country, which had derived great advantage from the extension of the British empire in that part of the world, would appreciate the devotedness of Mr. Burke and his brave companions, and he hoped that some steps would be taken by the Government to do honour to their memory.

MR. CHICHESTER FORTESCUE said, that he was glad to be able to produce without delay the papers for which

his hon. Friend had called; and he thought it was only right that the Parliament of England should have in its possession an authentic account of the deeds of heroism and devotion which had added to the vast territories of the British crown, and provided space for new and flourishing colonies. He rejoiced that the attention of the House had been called to the gallant enterprise, a detailed account of which would be found in the papers laid upon the table; and he was glad also to have the opportunity on the part of the Colonial Office and the Government of expressing their sense of the public spirit and liberality of the authorities at Victoria in fitting out the recent expedition, and of the gallant devotion, and he was sorry to say self-sacrifice, of those brave men who took part in it. The papers he would have to lay upon the table would not be complete, because the circumstances connected with the sad fatalities which constituted the most tragic part of the tale, and which led to the death of Mr. Burke, were under investigation at Melbourne. Moreover, at some future time, the Government would have to produce detailed accounts of those expeditions which had been sent out, in a spirit equal to that displayed in the despatch of the original expedition, for the purpose, if possible, of discovering the fate of the brave explorers. The interest felt in the colonies upon this matter had been so great, that not only had a fresh expedition been sent from Victoria, but it had been accompanied by separate expeditions from Southern Australia, from Queensland, and from the Gulf of Carpentaria itself, where a steam sloop had been provided to render assistance in the search. In the interesting papers which he should place upon the table would be found a touching account, from the pen of Sir H. Barkly, of the labours, sufferings, and deaths of the brave leaders of the late expedition. He believed the time was not far distant when population would rise upon the newly-discovered territory, and he was sure that the names of Burke and Wills would ever be held in grateful remembrance by the colonists of Australia.

*Motion agreed to.*

#### QUEEN'S COLLEGES (IRELAND).

##### MOTION FOR A PAPER.

MR. HENNESSY said, that he rose to move for a copy of a letter addressed from Dublin Castle in the month of October,

*Mr. Chichester Fortescue*

1861, by the Secretary of the Queen's University to the Registrar of Queen's College, Galway, referring to certain additional exhibitions or scholarships placed by the Chief Secretary to the Lord Lieutenant at the disposal exclusively of students attending the second year's course of the faculty of arts; likewise, for a return of the number of students of the second year's course of the faculty of arts in Queen's College, Galway, in each session separately, since the opening of the College to the present session (1862); with a statement of the actual number of the scholarships already provided by the Parliamentary grant and placed in each session at the disposal of the students of the second year's course of the faculty of arts in the said College, such return and statement to be furnished as follows:—Sessions 1850-1, and 1851-2; number of students, second year's course, faculty of arts; number of scholarships, second year's course, faculty of arts.

SIR ROBERT PEEL said, the Government would offer no objection to the Motion if the hon. Member would consent to append to his Motion returns of the number of students who entered each of the Queen's Colleges in the sessions 1859-60, 1860-1, and 1861-2; of the number and values of the scholarships provided for each class, regarding the scholarships of the second, third, and fourth years as continuations of those of the first year; and of the total number of students attending the Queen's Colleges in each of the aforesaid sessions, distinguishing their religious denominations.

MR. HENNESSY assented, and said that his Motion was in no wise dictated by any feeling of hostility to the Queen's Colleges. He merely asked for information.

*Motion agreed to.*

#### SEWAGE OF TOWNS.

##### SELECT COMMITTEE MOVED FOR.

MR. BRADY said, that he rose to move for a Select Committee to inquire into the best means of utilizing the sewage of the cities and towns of England, with a view to the reduction of local taxation and the benefit of agriculture. He said that he regarded this as a subject of great national importance, but that there were several preliminary points which ought to precede its consideration. Firstly, it should be determined whether the sewage of cities and



towns was a valuable commodity, suited for agricultural purposes and likely to improve the land; secondly, which would be the best and cheapest method for carrying the sewage on to the land; thirdly, what would be the value of the sewage per ton, and further, whether the engineering difficulties could be overcome; for if they were considered insurmountable, to incur expense would be useless. The problem was one which it was absolutely necessary to solve. Both in a social and sanitary point of view, if some means could be devised of utilizing sewage, the greatest advantages would be obtained. As matters now stood, the most fearful results had followed the neglect of the sewage question. Death stalked abroad in our courts and alleys, and many a strong man had been swept away by typhoid fever, the seeds of which had been sown when he was passing through them. He rejoiced that the great sewage works of the metropolis were progressing; and he expressed his firm belief that if those works proved successful, the example would be followed by every town in England, and London itself would be made one of the most healthy cities in the world. Why, he asked, had not this question made progress? The House in some measure was at fault, for on looking at a report of the metropolitan commissioners of sewers, which had been printed by order of the House, he found that Mr. Wheatstone reported that the utilization of the sewage, except upon the principle of solidification, was an engineering and commercial impossibility. The fact was, that at that time Mr. Wheatstone had a patent for a process of solidification, which, as he had always been taken as an authority on the subject, was, to say the least, a most unfortunate circumstance. What, he asked, had been the consequence of a persistence in the present system? Why, that the waters of every river upon which a great town was built had been rendered poisonous, whereas, by the adoption of a system of utilizing the sewage thousands of pounds a year might be gained, and the water preserved pure and wholesome. Professor Liebig had stated in one of his works, that if England wished to continue an agricultural country, she must avail herself of all the sewage of her great towns; and Dr. Parkins, guided by calculations which had been made by Professor Playfair, had stated that it was incontestible that the value of the sewage of England was no less than £93,283,000 a year. The gra-

dual decrease in the production of the corn-growing districts was a proof that a process of utilizing the sewage of towns was most necessary. It was supposed that the supply of guano would not last more than twenty years, and the time was come for providing a substitute. He saw the noble Lord at the head of the Government in his place, and as he knew the noble Lord was capable of mastering any subject, whether small or great, with which he had to deal, he would read an extract from a speech which he addressed to the Agricultural Society at Lewes in 1852. On that occasion the noble Lord said—

“But, gentlemen, I cannot but think that the progress in chemical science, and the application of that science to practical agriculture, may lead to something which will render you less anxious and solicitous about land; and that, instead of sending to the other end of the world for manure, we shall find something nearer home for the purpose. The dirt of our towns ought to be on our fields, and we ought not to allow decomposed substances in our towns to pollute the atmosphere, corrupt health, promote disease and pestilence, and destroy life. I am sure, if a system could be devised whereby substances which are noxious could be utilized, not only the health of the towns' population would be greatly improved, but the agricultural interest would derive great pecuniary advantages from the change.”

MR. POLLARD-URQUHART said, he begged to second the Motion.

Motion made and Question proposed.

MR. COWPER said, that the utilization of sewage—that was, the removal of it from towns for the purposes of agriculture—had long been a problem which persons interested in the sanitary improvement of towns had endeavoured to solve. The late Board of Health had made many inquiries and valuable reports upon the subject, but hitherto very little progress had been made; for although the sewage of small towns under special circumstances could be advantageously applied to agriculture, as in the cases of Rugby and Watford, yet with regard to large towns, excepting the very remarkable and peculiar case of Edinburgh, science had failed in finding any system which was entirely satisfactory. He was not very sanguine that this branch of engineering and sanitary science would be likely to obtain much assistance from the labours of a Committee; yet since the hon. Gentleman was willing to undertake that inquiry, and as he had shown by an elaborate speech that the subject was one requiring investigation, he should not object to the appointment of a committee, and

he sincerely hoped that some important result would follow its inquiries.

*Motion agreed to. Select Committee appointed.*

House adjourned at Twenty-five minutes to Eight o'clock.

## HOUSE OF COMMONS,

*Wednesday, February 19, 1862.*

PUBLIC BILL.—1<sup>o</sup> Marriages (Ireland).

QUALIFICATION FOR OFFICES  
ABOLITION BILL.—SECOND READING.  
Order for Second Reading read.

Motion made and Question proposed,  
“That the Bill be now read a Second Time.”

MR. NEWDEGATE said, he hoped that his hon. Friend would not press this Bill upon the House. He wished, however, to take that opportunity of correcting an error into which he had fallen when the measure was introduced. He (Mr. Newdegate) had said, that last Session, when the second reading of the Bill was proposed, it was passed in a not very full House by a majority of thirteen; and this was true. But it was to a previous period that he alluded when he stated that the Bill had attracted little attention in the House, and had been rejected by a majority of two to one by the House of Lords. The Bill was certain to be thrown out by the other House of Parliament; but only last Session, through some accident or another, by a majority of eleven. The Bill proposed to repeal the declaration taken by all persons who are admitted to corporate offices that they will never exercise any power, authority, or influence which they might possess by reason of such offices to the detriment of the Church of England as by law established, or disturb the bishops or clergy of that Church in any rights to which they may be by law entitled. He wished to point out to the House that the declaration in no way fettered the free action of any man as a citizen, as an elector, or as a Member of that House; but it did prevent persons invested with corporate functions and with the power attached to those functions from exercising that power to the detriment of the Church of England. The power of the corporation was conferred by the State, and he held that the State had a perfect right to define the purposes to which the powers which it conferred should be exercised. Let them look at the consequences

which would ensue from the abrogation of the limitation. That abrogation would tend to convert every corporation into a political club, with express permission to use the corporate powers against the Church of England. The declaration was embodied in the Test and Corporation Act, which passed in 1828, and for which the noble Lord at the head of the Foreign Office had since derived so much honour and credit. It was also included in the oath framed in 1829 for the admission of Roman Catholics to corporate offices and seats in this House. It was inserted also in the oath taken by Jewish members of the House. The reservation did not say that any man should be limited in any legitimate political function, but simply that he should not abuse the municipal power with which, by virtue of admission to a corporate office, he became invested. The Declaration was as follows:—

“I will never exercise any power or authority which I may possess by virtue of the office of to injure or weaken the Protestant Church as it is by law established in England, or to disturb the said Church.”

There was nothing illiberal in that limitation. The hon. Member for Sheffield considered the declaration an annoyance, and had stated that on one occasion, when he had to make it in order to act as assessor in conjunction with the Mayor of Manchester, some foolish persons jeered him. The hon. Member ought to have treated those cheers or jeers with the contempt they merited, because it was a proof that whoever cheered or jeered were so ignorant as not to understand that he was accepting a function the performance of which was inconsistent with his using the powers thereof against the Church of England. He regretted that the hon. Member for Sheffield should persevere in his attempt to press the Bill, because its effect would be not to establish religious freedom, but to direct the powers of the corporations against the Church of England; and for these reasons, and from no wish to limit the religious freedom of any man, he begged to move as an Amendment that the Bill be read a second time that day six months. What had occurred in the United States was sufficient to show that a nation could not be free unless it guarded not only the social but the political order to be observed by the several powers of the state; and as one who valued the free action of the corporations of this country in all that related to the administration

*Mr. Cowper*



of the several municipalities, he deprecated the proposed change, which would tend to divert the corporations from the due performance of their legitimate functions, and subject them to influences at variance with the municipal interests and order of the cities and towns which they were bound to guard.

MR. SELWYN seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "this day six months."

MR. SOTHERON-ESTCOURT remarked, that a great deal might be said in favour of abolishing the declaration; but the subject had such wide ramifications that he held that it was a matter which should be dealt with by the Government, and not by a private Member. It was not to be expected that a private Member could give the House those assurances and guarantees which would enable them to feel justified in removing the declaration from the statute book. If the Government would have the subject investigated by their law officers and would give the House an assurance that there was no ground for apprehending danger to the Church from the abolition of the declaration, he should regard it as upon a different footing from that which it now occupied, introduced year after year as the crochets, apparently, of an individual Member, with no further information or guarantee upon which the House could proceed.

SIR GEORGE GREY said, he did not think the Bill was of sufficient importance to require that it should be adopted by the Government. In his opinion the grievance of the declaration had been much exaggerated on the one side and the danger of its abolition on the other. The grievance was rather theoretical than practical, and the apprehensions entertained by the hon. Member for North Warwickshire (Mr. Newdegate), as to the effect of suppressing the declaration, had no substantial foundation. The declaration afforded no real protection to the Established Church, and he did not think that it was ever seriously proposed as such. The Test and Corporation Act was repealed at the instance of his noble Friend the Foreign Secretary as a private Member; and this declaration was not proposed by him, but it was probably thought at the time that it would quiet the apprehensions entertained as to its effect. He agreed with the hon. Member for War-

wickshire that the State had a right to limit the powers which it conferred; but after thirty or forty years' experience could any one say that the declaration gave any real security to the Church, or that it was worth while to retain it? Parliament had expressed its belief that it was of no value by passing an annual Indemnity Bill, which suspended the penalties imposed for not taking the declaration. As the Bill had already received the sanction of the House on several occasions, he would vote for the second reading.

SIR MORTON PETO said, that the best proof that the Nonconformists were suffering under a real grievance was the passing of the Indemnity Act. The declarations afforded no protection whatever to the Church, but were rather a source of weakness, diminishing her usefulness, which after all was the only thing that would preserve her position. As she enlarged and widened her sphere of action she could afford to give others the civil equality which was due to them. He was sure the hon. Member for Warwickshire might dismiss his alarms, as the passing of the Bill would not have the slightest possible effect in the direction he feared.

MR. WALPOLE said, he doubted whether the declaration afforded any real protection to the Church; but, on the other hand, he could not see that it formed a serious grievance to the Dissenters. It was perhaps a matter of little consequence what was done with the declaration; but it was always undesirable to re-open vexed questions which had once been settled by the Legislature, and the removal of a condition which had hitherto accompanied the appointment of persons to corporate offices would tend by implication (though, no doubt, erroneously) to the conclusion that Dissenters might, by virtue of their official position, do what was detrimental to the Church. For these reasons he should support the law as it stood.

Question put, "That the word 'now' stand part of the Question."

House divided:—Ayes 63; Noes 54: Majority 9.

Main Question put, and *agreed to*. Bill read 2<sup>o</sup>.

#### MARRIAGE WITH A DECEASED WIFE'S SISTER.—SECOND READING.

Order for Second Reading read,

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. LYGON said, that the circumstances under which the Bill then came before the House were such as to induce hon. Members to consider very carefully the course which they should adopt with regard to it. As on a former occasion, the hon. Member for Pontefract had moved the second reading of the Bill without stating the grounds on which he introduced it; so now he had abstained from stating his reasons for embracing Scotland and Ireland in its provisions. Considering that it was the first occasion upon which it had been proposed that the alteration of the Law should extend to Scotland and Ireland, it was scarcely courteous to bring on the second reading of the Bill at a time when many Scotch and Irish Members were unavoidably absent from the House, and no sufficient opportunity had been given for their constituents to express their opinions upon it. The extreme haste with which the hon. Member who had charge of the Bill pressed it on, showed that he entertained a lurking belief, that if the subject was fairly discussed after due notice, it would be very difficult to pass such a measure. There was no reason, either, for hurrying on the Bill, as the Order Book for Wednesdays, as well as for every other day in the Session, was a comparative blank. Although, in compliance with the resolution which was passed last year, that it was inexpedient to make a change which would place the Law in the three kingdoms upon a different footing, the provisions of the Bill had been extended to Scotland and Ireland; yet, while it was declared that in England marriages contracted before the Act were to be valid, such was not to be the case in Scotland; and while in England vested rights were saved, there was in the Bill no similar provision with regard to Scotland and Ireland. He (Mr. Lygon) objected to the Bill, as he believed it would lead to endless litigation, and confuse and disturb many family arrangements. He was very unwilling to make that House the arena of theological controversy; but he thought that they were entitled to ask the supporters of the change, why, if they defended it on the ground that marriage with the sister of a deceased wife was not prohibited by express words of Holy Scripture, they did not ask Parliament to sanction marriage in at least fourteen other cases in which it was forbidden, but in which no such express prohibition existed; and more particularly why they had abandoned the case of marriage with a deceased wife's niece,

which used to be included in their Bills. A publication had been sent round to hon. Members of that House by the indefatigable agitators on the part of the measure, which was headed "Facts and Opinions," and which purported to contain statements of no less than twenty-seven facts bearing upon the subject. He had had the document in his possession for two or three days only, but he had already discovered that many of these facts were as fallacious as possible, and might with greater propriety be described as fictions. The first fact was, that "marriage with a deceased wife's sister is in no way prohibited, either expressly or impliedly in the Old or New Testament." Assuming that such was the case, the same observation would apply to the fourteen other cases to which he had referred, the abandonment of the prohibition in many of which would lead to consequences most shocking and revolting to humanity. Fact the second asserted that marriage with a deceased wife's sister was expressly permitted by the Law of Leviticus. Now, it must be borne in mind, that however Archbishop Parker and those who were subsequently concerned in framing the authorized version of the Scriptures in the year 1603 might differ as to the translation of a particular verse of Leviticus, they were agreed as to the meaning which that verse bore, because they were the persons who drew up and sanctioned the table of kindred and affinity upon which the restrictions upon marriages of affinity were based. In another "fact" it was asserted that the Church of England nowhere claimed authority to prohibit marriages which were not contrary to Holy Scriptures. That was so, but these marriages were by all the authorities of the Church who had spoken collectively declared to be contrary to those Scriptures. It was true that there had been exceptions within the last few years, but many of the prelates who had adopted the idea of a mistranslation had afterwards changed their opinions. The late Bishop Blomfield was for a time led away, but after further consideration he deliberately changed his opinion, and voted in favour of the restrictions. Great stress was also laid upon the opinion of the late Bishop of Durham, but within the last two or three years of his life he expressed deep regret for the course which he had taken. ["Where? Where?"] He was aware that the statement had not been made public, but he believed that in what he had said he had stated no more than



was the fact. Individual bishops might have given opinions in favour of these marriages, but the Church of England speaking in a responsible manner, and in her corporate capacity, had always declared that they were contrary to Holy Scripture. Nor was that declaration confined to the Church of England; it was shared by the Church of Scotland and by every branch of the Presbyterian Church. Again, it was said that in 1563 Bishop Jewell expressed the opinion that these marriages were proper. That might or might not be so, but in 1571 Bishop Jewell was a party to drawing up the table of kindred and affinity which condemned them. The 13th "fact" stated that these marriages were before the year 1835 virtually permitted in this country. That was a misrepresentation of the facts, because, if it were true that these particular marriages were virtually permitted before that year, so were all other unions which were within the prohibitions of the table of affinity. But the matter had not been left where it was in the year 1835. In the case of "*Fenton v. Livingstone*," it had been laid down by Lord Brougham, Lord Cranworth, Lord Wensleydale, and Lord Chelmsford, with, he believed, the full concurrence of the late Lord Campbell, that all incestuous marriages within the prohibited degrees of kindred and affinity, including that with a deceased wife's sister, were not voidable, but void *ab initio*. Prior to the Act of 1835, however, the question of these marriages was a question for the spiritual courts, and one of which, until it was decided by them, the temporal courts could not take cognizance. In the Ecclesiastical Courts it was possible to protract a suit until the death of one of the parties, after which the marriage could not be questioned, and thus, by means of a sham suit, any of these marriages might be protected. By the Act of 1835 the procedure was altered, and the temporal courts were authorized to deal with these marriages without waiting for the decision of the spiritual tribunals; and so far he thought that the Act of 1835 was not open to attack. It then became a question in what position those who had contracted these marriages should be placed, and, from a feeling of, perhaps, mistaken kindness, it was agreed that they should be placed in the position in which they would have stood if a suit had been begun and one of the parties had been removed by death. It was stated that thousands of such mar-

riages had been contracted; but as far as any opportunity had been given of examining the question, it had been found that for whosever benefit this measure might be intended, it was not designed for that of the poor man. These unions did not exist in any considerable numbers among the poor. Some time ago Sir William Page Wood carefully inquired how many of such marriages had occurred in the parishes of St. Margaret and St. John, and he could find only two. [Mr. MONCKTON MILNES: "74."] It was afterwards shown that there were two more, and he saw that it was now stated that there were 74—a statement, however, to which, resting as it did on an anonymous authority, he was certainly not disposed to give entire credence without further investigation. They were told that a great number of petitions had been presented in favour of the Bill; but what was the reason of that? Why, that neither time, money, expense, nor trouble had been spared in getting them up. It was not difficult to get signatures at the rate of two guineas for 400; and it was not surprising, considering that those who were anxious to maintain the law had no private interests to serve, and no funds to expend, that the petitions which they had presented should be signed by a smaller number of persons. It was quite impossible—and he believed that in using that expression he was quoting the words of Earl Russell—it was quite impossible to stop at the change proposed by the Bill. All the arguments which had been used in its favour might be advanced in support of polygamy, and would lead to conclusions most revolting to human nature. It was a thing wholly unprecedented in the history of legislation that those who had set at naught the law of England should receive a *privilegium*. If persons came to that House for relief, they ought to come there with clean hands. The Bill had not advanced in public favour. It was once carried by a majority of 40; but last year it did not succeed in passing that House. He trusted that the House would, upon further examination, affirm its decision of last year, and, carrying out the fair and legitimate expression of public opinion, would prevent the further agitation of that most odious and unsatisfactory proposal.

MR. COLLIER said, he thought the hon. Member for Pontefract (Mr. M. Milnes) had exercised a wise discretion in the manner in which he had brought the

subject before the House. Hon. Gentleman opposite appeared to misconceive an important question which lay at the threshold of this discussion, namely, on which side the burden of proof rested. *Prima facie* marriage was a lawful thing: when the question arose whether or not any particular marriage, or class of marriages was lawful, surely it did not lie on those who asserted that they were to prove a negative, namely, that there was no impediment: but it lay upon those who forbade the banns to prove affirmatively that some impediment did exist. They were bound to show that such marriages were forbidden by Scripture, or, if not, that they were repugnant to what the hon. Gentleman called the moral instinct of the world—at least of the Christian world. The hon. Gentleman seemed to forget that marriages such as those now under the consideration of the House were sanctioned by every Protestant country in Europe except our own, and were also legal in Canada and the United States. In Roman Catholic countries they might likewise take place whenever a dispensation was procured, and he could not believe that in Roman Catholic countries dispensations were granted to legalize incest. The moral instinct repugnant to these marriages, therefore, was only to be found in England; and it evidently did not animate the majority of the House of Commons, as that assembly had over and over again adopted the principle contained in the Bill. Was there then any spiritual prohibition? Hon. Gentlemen could find none in the New Testament, and were obliged to go back to Leviticus. There would be a considerable difficulty in applying all the moral precepts of that book to society as at present constituted; and, if even an express prohibition were there to be met with, he was not sure that he should feel himself bound by it. But the fact was, that the single verse bearing upon the subject sanctioned by implication instead of prohibiting these marriages. It was important to inquire in what way the marriage law propounded in Leviticus, was understood by the people to whom it was addressed. Dr. Adler, one of the chief Rabbis of the Jews, deposed that from the time when the law was promulgated these marriages had not only been contracted, but were looked upon with peculiar favour. Yet, notwithstanding these constant violations of a supposed law, he challenged hon. Gentlemen to point out a single instance in which a divine re-

buke for their backslidings in that particular had been levelled at the Jews. The hon. Member for Tewkesbury (Mr. Lygon) had invoked Church authority, by which he supposed he referred to the apostolic canons. [Mr. LYGON dissented.] Well, the subject had been very often discussed, and if the hon. Member had not already referred to those canons, some other Gentleman on his side of the House would be sure to do so. By the apostolic canons, promulgated in the fourth century, not merely these particular marriages, but marriages with widows were prohibited; and yet in the present day he was told that several Members of the Bench of Bishops had married widows, showing thereby their reverence for the apostolic canons. Other marriages, such as those with servant maids and actresses, were forbidden; in fact, for a lengthened period the Church showed a disposition to restrict marriages as much as possible. The Council of Lateran went so far as to forbid marriages within the degree of fourth cousin. That ascetic tendency, however, which prevailed for many ages in the church, and which multiplied impediments and restrictions in the way of marriage, had given way before the progress of intelligence and of true religion. Therefore, the high ground taken by hon. Gentlemen opposite was no longer tenable; it was impossible to show that marriage with a deceased wife's sister was prohibited either by religion or natural morality; what then was the real objection to the measure? it lay in the opposition of a great number of highly conscientious and religious people in this country. That would be an unanswerable argument if the Bill were one compelling a man to marry his wife's sister, or even to associate with another man who had done so. But the simple answer to those who pressed the objection was "Don't marry your own wife's sister; you are not bound to hold intercourse with any other man who does so; you may blackball him at your club, if you think proper; but do not impose your sentiments and your tastes—for they are nothing more—on people who, differing from you, hold their opinions as conscientiously and religiously as you entertain yours." It was said that inconvenience would follow the alteration of the law, and dark pictures of future domestic unhappiness had been drawn. But all these objections applied as strongly to the wife's cousin as to her sister; and yet no one would venture to say that husbands habi-

Mr. Collier



tually intrigued with those relatives. Experience refuted these allegations. If practical inconvenience had arisen from the operation of the law in other Protestant countries, it would long since have been repealed. The evils anticipated from such a measure in our own country were entirely fanciful and imaginary; but those arising from the continuance of the prohibition were real and undoubted. It was in itself a great evil to perpetuate a system to which numbers entertained the strongest objections, when, moreover, the law was inoperative and ineffectual. What were the facts? The Royal Commissioners on the Law of Marriage, the Bishop of Lichfield, Dr. Lushington, the Lord Advocate, and Mr. Justice Williams, stated—

"We do not find that the persons who contract these marriages, and the relations and friends who approve them, have a less strong sense than others of religious and moral obligation, or are marked by laxity of conduct. . . . These marriages will take place when a concurrence of circumstances give rise to mutual attachment; they are not dependent on legislation."

It was impossible to exclude from consideration the position of the children of such marriages. The parents themselves were often among the most respectable members of society; the children were well brought up and educated; and if the strong measure of bastardizing them were persisted in, they would never cease to regard themselves as innocent victims of an unjust and tyrannical law. Nothing would persuade persons who had gone abroad and contracted such marriages in countries where they were legal that they were not valid in the eye of God, and that they would not be committing adultery by marrying again. Among the poorer classes marriages of this nature were contracted to a much larger extent than was generally known. On the death of the wife her sister became the natural guardian of the children; and if she and the husband were not allowed to marry, the result frequently was that they lived together in a state of concubinage. He concluded then that it had not been shown that these marriages were prohibited by any precept of natural or revealed religion, or by any rule of morality. The objections to the Bill resolved themselves into mere objections of taste and sentiment, and he maintained that for any section of the community, how much soever they might be entitled to respect, to impose their tastes and sentiments in the shape

of a prohibitory law upon others who did not share them, was a violation of the principles of civil and religious liberty.

Mr. BLACKBURN said, he rose to record his protest against the discussion of the subject having been brought on with so short a notice, especially as it was now sought to extend the operation of the proposed change to Scotland and Ireland—at a time, too, when many of the Scotch and Irish Members were absent from town. The hon. and learned Member for Plymouth (Mr. Collier) while setting the Gospel above the law, had declared that even if the Gospel contained an express prohibition of these marriages, he should feel himself at liberty to disregard it. But the fact was, that the Scriptures, rightly understood, did contain an express prohibition, to discover which it was only necessary to admit, as they did with all Acts of Parliament, that wherever the word "men" was used the injunctions must be taken as extending to women also. Altering the words so as to impart to them this meaning, it would be seen that the interpretation put on the last verse of the passage in the 18th Chapter of Leviticus, verses 15 to 18, by the hon. Member for Plymouth, was at best a piece of sophistry, and led by inevitable and logical sequence to the sanctioning of polygamy. The Bill was not a mere alteration of the law of 1835; it was an alteration of what had been the law of England and Scotland for the last 300 years, and of Christendom since Christianity arose. He trusted the House would throw out the Bill, and never again permit such a disagreeable subject to be introduced.

Mr. HEADLAM said, as he had always voted in favour of the Bill since he first had the honour of a seat in the House, and as his opinion with regard to it remained unchanged by anything he had read or heard, it was his intention to vote for the present measure, and to state shortly the reasons which induced him to do so. In the first place, with reference to what was called the theological argument—that is to say, the construction to be placed on the chapter in Leviticus—he was not going to enter into any minute discussion, partly because the subject was a very unsuitable one for the House, but more especially because he did not think any passage could be found in Scripture from which a conclusion could be deduced. If in the pages of the Bible there was to be found any express recognition of these marriages, as was some-

times contended by the supporters of the Bill, or if there was any direct prohibition, as was alleged by its opponents, then it would, of course, be our duty to obey the mandate at once; and, in so doing, we should be saved from all responsibility, and we should also have the satisfaction of knowing that our legislation, resting upon such a foundation, would be acquiesced in by all classes of a Christian community. It was, however, antecedently improbable that Providence should have given us an explicit declaration on such a question. We know how all attempts to deduce from the Bible direct information on other matters of human learning and science have been worse than useless, and on reference it appears that on this matter as on others we are left to act upon our own judgment, guided only by those general rules of justice and morality that ought to guide the House on this as on other occasions. For his own part, his opinion in favour of permitting these marriages was grounded chiefly upon the experience of the past, and upon facts, concerning which there was no doubt. For every practical purpose these marriages were tolerated and permitted in England before 1835. True, a canon of the Church had been levelled against them; but when they found how ineffectual even an Act of Parliament had been, it was not to be wondered at that a mere canon, unenforced by any Act of Parliament, had been impotent to restrain men in a matter in which their interests and passions were involved. The Commissioners who investigated the subject found that thousands upon thousands of these marriages had taken place in all grades of society; that the parties had lived and died under the influence of the marriage vow; and that the children had inherited as if the canon had never existed. It was said that these marriages were voidable, but, in point of fact, there was not a single instance in which any one of them had been set aside. Earnest and sincere men predicted that the permission to contract these marriages would weaken the sanctity of the marriage vow, and lower the standard of morality in the country. But he asked the House, had there been the slightest proof of any evil consequences arising from these marriages during the time they were practically tolerated? If it were true that they had been injurious to morality, he should have expected that the bishops and clergy would have denounced them, and shown the evils that had in fact arisen from them. If mar-

*Mr. Headlam*

riages of this kind were so pernicious, then in the time when they were tolerated the pulpit would have thundered against them, and the writers on ethics and morals would have shown in fact the mischiefs they had revealed. But it was not so. He did not know how it was with other hon. Gentlemen, but he had never read in the literature of this or any other country that injury had been done to morals, or the sanctity of the marriage vow weakened, by these marriages. They were told, that if such marriages were legalized, ladies could not go on visits to their married sisters, and that gentlemen could not be on the same terms with their sisters-in-law. If such results could be traced in cases in which such marriages had taken place, he should have expected to find in the light literature of the country—in novels and in the plots of plays—some allusion to such jealousies and suspicions; but he had never been able to do so. It was not on record that previously to 1835 there had been a single Motion in that House, or a single petition presented from the clergy, complaining of the evils arising from these marriages. The hon. Gentleman the Member for Tewkesbury said that the Act of 1835 had been introduced in consequence of such evils.

MR. LYGON: No. I said that the Bill of that year had been introduced in consequence of the inconvenience arising from the temporal Courts not being cognizant of these marriages.

MR. HEADLAM said, that impression was totally erroneous. The Act of 1835 was not introduced in consequence of any evils that had arisen from these marriages, but from a fear lest one of these marriages should be set aside in a case where a title to a dukedom and a great estate depended upon the marriage remaining valid. The first object of the Bill was to make this particular marriage, which had then taken place, valid. With respect to future marriages, the Bill, as originally introduced, so far from making them invalid in consequence of evils that had been found to arise from them, actually made it easier to contract them for the future; for it contained a clause, that unless proceedings were instituted within a certain time, a marriage of this kind should be valid. It was proposed, however, subsequently in the House of Lords, that whilst all past marriages were made valid, all subsequent ones should be made absolutely void. The noble Lord who introduced the Bill, having



secured his first and primary object of establishing the particular marriage on account of which he introduced the Bill, left posterity to take care of itself, and instead of facilitating, as he had originally proposed, all such marriages for the future, he consented to make them absolutely void ever after the date of his Act. In this state the Bill came down to this House, and it is important to observe, that with all the experience that men then had of the practical effect of these marriages, the opinion of this House was clearly in favour of permitting them; and, accordingly, the clause that had been introduced in the House of Lords to make future marriages of the kind void was struck out in Committee of the House of Commons. On the third reading the House was persuaded to reinstate the clause, by the argument that the Bill would certainly be lost elsewhere unless it was restored to the shape in which it had come down, and also by the argument that even with the clause as to future marriages, the Bill effected a certain amount of good by making valid all these marriages that had then taken place. No person was interested in opposing the Bill as it then stood, for this obvious reason:—all who had married their wives' sisters had a direct interest in the Bill passing, because it prevented the possibility of their marriages being ever set aside; and as respects the future, as no man anticipates that he will at some future time wish to marry his wife's sister, no one cared about a clause which prohibited such a marriage after the date of the Act.

So the Bill passed. Now, let the House compare the state of things before the Act with the state of things since the Act. When these marriages were tolerated there was no semblance of a grievance or complaint. Since the Act of 1835, prohibiting these marriages, one continual agitation has existed and an ever-increasing number of persons are found setting the law at defiance and complaining of its injustice. It appears from experience that out of the number of persons annually wishing to contract marriage, a certain number will wish to marry their wives' sisters. With respect to these persons, how does the law operate. Some of the feeblers submit to the law, and go through life with their tempers made morbid, and a strong sense of the injustice inflicted upon them in a matter affecting their domestic happiness. This is the success of the Act, the utmost

that can be obtained from it. It does not, however, always succeed even to this limited extent. Those in the lower classes who wish to contract one of these marriages, even if they do not succeed in getting the ceremony performed, live as if they had been married, and dispense with the ceremony. Some there are who commit perjury for the sake of obtaining a licence, and then, on a licence so obtained, get a marriage which is absolutely invalid solemnized. Persons in the upper class go abroad, and obtain some ceremony to be performed which satisfies their own consciences, and then they let society say what it pleases of them. Is it wise to continue such a state of things? The fact is, that there is no argument to offer to an earnest and sincere man who wishes to contract one of these marriages sufficient to convince him that what he wishes is wrong. It cannot be seriously told to such a person that Scripture prohibits such a marriage, when bishops and clergymen contend the contrary. Assuming it to be true, which he totally disbelieved, that if this law passed great ladies would be jealous of their sisters, that was no sufficient reason to offer to a man who wished to contract such a marriage. He contended that this Bill as it now stands was quite sufficient, inasmuch as it dealt with the only practical grievance, but, even if it was illogical, that was a reason for correcting it in Committee, but it was no reason for maintaining the law as it now stands. The clear conclusion to his mind was, that this Act of 1835 did no good, but that, on the contrary, it acted with cruel injustice upon those who were affected by it, and was to many a stumbling-block and cause of offence.

LORD ROBERT CECIL said, that the promoters of the Bill furnished the House with no valid reason for interfering with the existing law. The hon. and learned Gentleman the Member for Plymouth (Mr. Collier) had dealt largely in general principles. He started with this grand principle—he said the natural theory was that any man might marry any woman. The hon. and learned Gentleman, however, subsequently admitted that there might be some restrictions on that universal liberty, and proceeded to lay down what those were. He then gave the House a number of reasons by which they might test whether those restrictions were sound, and whether, in the case under consideration, a man might avail himself of the universal liberty given to any man to marry any

woman. In testing any general principle, the soundest course was, not to test it by the case before them, but to test it by other cases which might arise, and to which the general principle might be applied. In that instance the hon. and learned Gentleman's general principle might be applied not only to the case of those who wished to marry a deceased wife's sister, but also to that of those who wished to marry two wives. He undertook to show that the restrictions which the hon. and learned Gentleman said were applicable to the case of a man desiring to marry the sister of his deceased wife did equally apply to the bigamist who wanted to marry two wives. That, he submitted, was a sound and logical way of testing the hon. and learned Gentleman's argument. First, as to revelation. The hon. and learned Gentleman treated the new Testament with some contempt—

MR. COLLIER: I beg pardon. I did not.

LORD ROBERT CECIL: Or perhaps, rather, set it aside—

MR. COLLIER: All I said was that no argument from the New Testament had been adduced against these marriages.

LORD ROBERT CECIL said, he would beg the hon. Gentleman's pardon, as he had misrepresented him. The hon. and learned Gentleman argued that from Leviticus no restriction or prohibition could be shown; and he also stated that there was no prohibition in the New Testament. Well, he now begged to apply the same argument to his present clients, the bigamists. Was there any prohibition in Leviticus, or any in the New Testament, against a man marrying two wives instead of one? He had never heard any argument on the subject, and he thought the hon. and learned Gentleman must take the same view of it as he did himself. The hon. and learned Gentleman had said that these marriages must be forbidden either by revelation or by a moral instinct accepted by all mankind. He had shown that the bigamist might avail himself of revelation equally with the man who wanted to marry his deceased wife's sister. He now wanted to know whether the prohibition against marrying two wives was a moral instinct accepted by all mankind. It was accepted by Englishmen and Continental nations, he admitted; but the vast majority of the human race were in favour of marrying more wives than one; so that it was impossible to say that it was prohibited

by a moral instinct accepted by all mankind. The hon. and learned Gentleman then went on to say, that if these marriages were not forbidden by revelation, or by a moral instinct, accepted by all mankind, they ought to be permitted. That was just what his client the bigamist might allege. He also said that the House ought not to object to the Bill because it was not restrictive, but merely permissive—because it did not order any one to marry his wife's sister, but only stated that any one ought to be at liberty to do so. Well, the bigamist said—"I do not wish to force any man to marry two wives; I only want to be left in peace according to my conscience. It is very hard that gentlemen who do not like to have two wives should interfere with those who do." The hon. and learned Gentleman made use of another argument. He said that if other countries had discovered marriages with a deceased wife's sister to have a bad effect, they would have pressed those evils on their Governments with a view of putting an end to the cause. Now, did the fact that no pressure had been brought on a Government for the removal of certain evils prove of itself that those evils did not exist? He wanted to know whether the Turks or the Mormons had pressed for the removal of the evils arising from men having a plurality of wives? There was only one other argument of the hon. and learned Gentleman on which he would touch. He said, "Look at the number of persons who marry their deceased wives' sisters in opposition to your law." He was afraid that they would only have to consult the police reports every day to see the number of persons who, in spite of all their legislation, insisted on marrying more wives than one. The right hon. Gentleman who had last addressed the House had urged them not to be deterred from relaxing the law in this case by any fear that they would be asked to make further relaxations. He said, "If other cases arise, bring them forward, and let us deal with them." It could scarcely be doubted that persons would be found ready to bring forward other cases. Unfortunately, cases were constantly arising of men giving way to their passions and violating the law, and then complaining that the law punished them. He did not want Parliament to be logical; but he did ask it, if there were two grievances, not to disregard the greater one and legislate for the removal of the lesser. He was not going into the

*Lord Robert Cecil*



theological question. If he did so, he might be disposed to agree with the hon. and learned Gentleman. He thought that the grounds for saying that there was a Scriptural prohibition against these marriages were too doubtful to make them decisive; but he could not be satisfied with the principle of the right hon. Gentleman (Mr. Headlam) that they should look at the case before them, and not go beyond it. If the Bill passed, he did not see what they were to do, supposing any estimable man—say a duke—wished to marry his step-mother. He did not see how they could refuse to give him that relief which they now proposed to give to the men who wanted to marry their wives' sisters. Once they broke the established law—once they interfered with the law of marriage—they had no logical ground to stand on. They might say they despised logic. His reply was, "I dare say you do." But that was not a case in which they could afford illogical and anomalous legislation. The opponents of restrictions on marriage would make use of every argument in the logical armoury, and Parliament would be forced to withdraw from a position of further opposition. If they passed the Bill, they would set every one in the kingdom thinking whom they might marry, and whom they might not. He did not think that those who knew human nature could have any ground for hoping that marriages even more repulsive to the general sentiment than those which were the subject of discussion, would not be contracted by persons who were not restrained by any legal enactments. Though he frankly confessed that, if founding a new republic, he might be disposed to authorize marriage with a deceased wife's sister, yet he was opposed to a violent dislocation of traditional feelings, or disturbance of existing laws; and he thought the House of Commons would act wisely in refusing to disturb the marriage law at all. On those grounds he begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR GEORGE GREY: Sir, in explaining the grounds on which I support this Bill, I decline to enter into the theological argument. I entirely agree with the noble Lord that the theological ground is too doubtful a one on which to decide this question. The theological argument is one on

which every man must make up his mind for himself. Certainly this is not the tribunal to which he must apply for a decision on doubtful texts. If there were an unambiguous prohibition in Scripture, we should know what to do at once; but, as I do not find that there is, I feel myself at liberty to regard the existing law in its results and bearings on society. On this point I am bound to admit that there is much to be said on both sides; but, on the whole, I am of opinion that the balance of advantages to society is on the side of a relaxation of the law. I have always thought it unfortunate that the law of 1835 should have been passed. If the question arose *de novo*, I think it would not be prudent to encourage these marriages; and the state of the law before 1835 served as a discouragement. But the provision in the Act of that year, declaring subsequent marriages of this nature to be absolutely void, has led to terrible consequences. It is now in the power of a husband who has married a deceased wife's sister to desert her without any provision, and to marry another woman without involving himself in any penal consequences. My right hon. Friend the Judge Advocate has given an accurate account of what passed in 1835. The noble and learned Lord who introduced the Bill of that year proposed it with a very different intention from that with which it was carried into effect. Originally he had no intention to make subsequent marriages invalid. That was forced upon him, I think, as a condition on which the Bill should pass. Therefore, the authority of Lord Lyndhurst cannot be quoted by those who are in favour of keeping the law as it is. I believe that, practically, the law worked well before the passing of the Act of 1835. Now, as regards bigamy, there is this important distinction between it and the marrying of a deceased wife's sister,—the bigamist subjects himself to penal consequences, involving, perhaps, a long term of penal servitude. That is not the case with respect to a man who has married and subsequently deserted his deceased wife's sister. Some few days ago a poor woman applied to a police Magistrate, stating that her husband had married another woman, and deserted her. The Magistrate, of course, said, "If he has done so, he is liable to a prosecution for bigamy;" but it turned out that the poor woman was sister to her husband's first wife, and the Magistrate was obliged to inform her that he could give her no assist-

ance. I must say that I think, morally, that man is guilty of a great crime who, having married his deceased wife's sister and lived with her a number of years, then deserts her. Therefore, though much may be said on the other side, I cannot but come to the conclusion that the balance of advantages is in favour of a relaxation of the law. But, regarding this as a social question, my hon. Friend the Member for Pontefract (Mr. M. Milnes) will permit me to say that I doubt very much if the interests of society would be served by its being agitated year after year in this House without the prospect of some such Bill as this being passed. I have heard a complaint made of my hon. Friend not having made a speech in moving the second reading; but he said, when introducing the Bill a few evenings ago, that one of his reasons for so doing was that the Bill of last year had not been met by a direct negative, but merely by a resolution declaring that it was not expedient to have a different law in different parts of the kingdom. I doubt if including Scotland and Ireland will help my hon. Friend; but, under the circumstances explained by him, I think he is justified in asking the House to express an opinion on his measure this year. However, if Parliament refuse to accede to my hon. Friend's proposal, or if it should assent to it by only a small majority, and there be no real prospect of an alteration in the law, I think that repeated agitation of the question will only be calculated to encourage these marriages and bring misery upon many of those who enter into them. I throw out these suggestions with a view of guarding myself against being considered pledged, under all circumstances, to support a similar proposition in future.

MR. WALPOLE:—Sir, I think that nothing could be more satisfactory than the admirable tone and temper which my right hon. Friend the Secretary of State for the Home Department has brought to bear on this question, and, feeling very strongly on it, I will endeavour to imitate that tone in the few observations which I have to address to the House. There was one part of my right hon. Friend's speech with which I was particularly pleased. I think it is not desirable that a question of this kind should come before us year after year, disturbing the marriage relations of the country, or giving rise to the supposition that there is a probability of their being disturbed. Therefore, what-

*Sir George Grey*

ever may be the result of this discussion, if my hon. Friend the Member for Pontefract finds that he does not get any great support for his proposition, I think on moral grounds it would be very detrimental to the interests of society that we should hear of it again. My right hon. Friend the Secretary of State has addressed to us an argument which I think should have led him to a contrary conclusion from that at which he has arrived. He says that if the question came before us *de novo* he should rather discourage those marriages; while the hon. and learned Member for Plymouth, taking a much broader and bolder line, lays it down as a basis for legislation that, *primò facie*, any man may marry any woman. Now, it will have an important bearing on this question to know whether that statement of the hon. and learned Member is, or is not, to be the basis of our legislation, supposing that you carry this Bill. After such an announcement, are you not bound to look at the consequences of the Bill before you? I wish my hon. Friend the Member for Pontefract were now in his place, because I think I should be able to show him that some of the clauses in his Bill carry the principle much further than he intends in the case. The House should be careful before they undertake to disturb the law of marriage as known to the people of this country since the establishment of Christianity among us. That the law of marriage has been uniform in this country, I think no one can have a doubt. That it has been consistent is also obvious; and not only has it been uniform and consistent, but it has also been identical. No change has ever been made, with the exception of that made by the Act to which the hon. Gentleman has alluded, and which I shall refer to presently. Not only has it been uniform, consistent, and identical in England, but in Ireland and Scotland also. Now, it is a strong presumption in favour of this law to find that since this has been a Christian country no one, until lately, had attempted to alter the degrees in which marriage is to be contracted, and the degrees in which social life is to be affected. It is a dangerous thing to make any alteration in the law, unless you are sure of the ground on which you stand; and this applies more especially to an alteration affecting the social relations. I believe that no law ever promulgated by God or man has done more to raise the female character through-



out the world, and to give woman that *status* which she ought to have in society, than the law which puts the sexes on the same footing, and does not give to one or the other supremacy as between the two. I have said that the marriage law has been uniform in the United Kingdom since we became Christians. Nobody has doubted it. It has indeed been intimated by a body, whether persons, or a single person, who call themselves "The Law of Marriage Amendment Society," that there has been a doubt as to whether marriage with the sisters of deceased wives was illegal or invalid before the Act of *Will. IV.* I know as a fact, that acting on the mischievous advice of that society, persons have been induced to contract these marriages; though the decision of the highest tribunal in the land has been in accordance with what has been stated year after year in this House as to it being impossible to contend that such marriages are legal. Now, it has been justly said, and the right hon. Gentleman the Secretary of State for the Home Department put the argument admirably, that a religious matter ought not to be brought into discussion here if you can possibly avoid it. If, however, any one thinks that religion is more or less implicated in any matter under discussion, he is, I think, at liberty to say that, on religious grounds, there are objections to the change you are going to make. I do not rest the religious objection on this or that verse of Scripture, but on that which has always been declared by every authority of this country, Parliamentary, ecclesiastical, and judicial, to be the foundation of the law. If you refer to the Parliamentary authority, you will find it stated in the statute law that these very marriages which are now sought to be legalized are among the prohibited degrees of Leviticus. If you go to the declarations of the Church, you need only refer to the Prayer-book on your table, or to the 99th canon, in which you will find these marriages are stated to be within the prohibited degrees of Leviticus. If you refer to the decisions of the courts of law, you will find that they have taken the same view. If, again, you refer to that able work—most valuable as the declaration of the Protestant feeling of this country—the *Reformatio Legum Ecclesiasticarum*, you will find this principle laid down, that these marriages are prohibited, and that the prohibition rests on the only religious prin-

ciple on which I ever objected to the validity of these marriages in this House—that there ought to be a perfect unity in the marriage state, as ordained by God at the beginning, and sanctioned by our Saviour when on the earth. It follows as a legitimate deduction, that whatever may be the relations existing in consequence of that mysterious union, all the relations of the one party become the relations of the other. And thus the marriage of a man with his deceased wife's sister is as much a marriage of his sister-in-law as the marriage of a woman with the brother of her deceased husband is the marriage of a woman with her brother-in-law. I apologize, however, to the House for adverting to the religious point in the argument. I only do so to guard myself against the notion that it has no bearing on this question. Then, if this has been your law, and if all your authorities agree that it is founded on religious obligations, on whom does the *onus probandi* rest of altering a law that has existed so long? The hon. and learned Member for Plymouth says it is upon us to show that these marriages ought not to be allowed. But the *onus* is always with those who wish to alter the law, and not upon those who wish to maintain it. If that be so, there is another argument that must not be lost sight of, which has been adverted to by the noble Lord the Member for Stamford (Lord R. Cecil) in a speech of great ability. He says, and says truly, that when you are seeking to alter a law of this kind—especially with the announcement from the friends of the change, which must never be forgotten in these discussions, that *primâ facie* any man ought to be able to marry any woman—you ought to inquire and satisfy yourself to what results this change will lead. Nay, more, I should be glad to ask my hon. Friend the Member for Pontefract for information as to the changes he intends to make in the Bill now before the House. Will the hon. Member follow me for a moment? In the first and main clause of this Bill he says he provides (I omit the references to Acts of Parliament) that—

"No marriage which has been celebrated since the passing of the 5 & 6 *Will. IV.*, c. 54, at any place whatever, within the realm or without, between a man and his deceased wife's sister, or which shall hereafter be celebrated between the like parties in the office of any registrar, shall be deemed to have been nor shall be void or voidable by reason only of the affinity of the parties thereto, or by reason of any statute, or of any

canonical or other objection or impediment, founded only on such affinity, to the validity of any such marriage or to the celebration thereof, or to the validity of any licence or certificate under which the same may have been celebrated."

Now, does the hon. Member mean that every marriage of affinity is to be sanctioned in future? If he means that, I have in my hand the table of prohibited degrees, which are thirty in the whole, and I find that no less than twenty out of the thirty are marriages by affinity. But does my hon. Friend mean that? If not, what does he mean? Because it has always been held by this House that when any hon. Gentleman, especially a Member of so much experience as my hon. Friend, brings forward a Bill for altering the law on so important a subject, the House is entitled to know what is the precise object and purport of that Bill. In plain words, is this Bill to be confined to marriage with a sister-in-law, or does it extend to marriages within all other degrees of affinity also? The House is entitled to have an answer to this question. If it is simply to authorize marriage with a sister-in-law, I ask on what ground a man is not to be permitted to marry the niece of his wife? Also, if a man may marry his sister-in-law, why may not a wife marry her husband's brother? Why, because we know that the laws of God are against such a marriage. You dare not propose such a change in the law as that; and if you dare not propose to enable a woman to marry her husband's brother, what becomes of your proposition to substitute for those civilizing and elevating influences of Christianity which placed both sexes on the same footing a change in the law by which the woman is to be put down to a lower and different position from the man? My hon. Friend (Mr. M. Milnes) is a man of literature and learning. He is an historian and a poet. Let me remind him that when a change in the law of marriage was made in the decline of the Roman Empire the most philosophical of historians, Tacitus, traced the most unfortunate results from the change. The author of the *Decline and Fall of the Roman Empire*, also adverted to the same marriage laws, and stated the result of the changes made was to bring about a state of things in which "marriages were without love, and love was without delicacy and respect." If changes in the law of marriage produced such results then, why should they not be equally unfortunate now? My hon. Friend knows that the

event which perhaps made the greatest change of any event for many years in our own history was the solemnization, through the dispensation of the Pope, of a marriage of this kind. As a poet, my hon. Friend must well remember that the greatest drama of the greatest dramatic poet who ever lived is founded on what is by him called an "incestuous marriage" of this description. I will remind my hon. Friend of that passage in which Hamlet, addressing his mother, and speaking of a marriage of this kind, says it—

"Takes off the rose

"From the fair forehead of an innocent love,  
"And sets a blister there; makes marriage vows  
"As false as dicers' oaths: O! such a deed,  
"As from the body of contraction plucks  
"The very soul; and sweet religion makes  
"A rhapsody of words."

In that beautiful passage Shakspeare alludes to the very argument upon which I have always founded my objection to this Bill. The religious ceremonial which has made two persons one is indeed nothing but a "rhapsody of words" with reference to the mysteries of that union unless you recognise the original law which prohibits to the man what you prohibit to the woman, which esteems the relations of the one the relations of the other, and follows this principle out into all its consequences in their mutual interests and duties. I might almost part with the question here if the hon. and learned Member for Plymouth, founding his notions on the *primâ facie* natural liberty of men, did not seem to think that any person ought to be at liberty to marry any woman. But I will ask whether there was ever a time or a country in which some restraint was not put on the liberty of marriage? If so, all arguments founded on natural liberty, and the *primâ facie* right of every man to marry any woman, fall to the ground. I ask him where he will find such a right existing in any civilized society? I tell him that we have been stopped here in this Christian country, by a definite and well-known rule, which you propose to supersede by a new and different rule that goes much further than you now intend to go. If natural liberty is to be the foundation of your marriage law, what is to become of all the marriage obligations that have existed and now exist in this country? Say how far you will go, and where you will stop. Define your limits. I defy you! In my opinion there is such a thing as Christian liberty, which

*Mr. Walpole*



imposes valuable restraints where restraints ought to be imposed, but which does not sanction the indulgence of uncontrolled desires. That is the liberty for which I contend, and when I find that the law has laid down limits consistent with reason and religion, I am for maintaining those limits. Then there is the old argument, that the children will benefit by these marriages. This argument has been often advanced, and has been over and over again answered. I say that the orphan children will gain more advantage from the care and protection of the unmarried aunt than they can possibly gain from that aunt becoming their stepmother. The next argument is that derived from the injury which the poor of this country sustain, unless such marriages are sanctioned. That is an argument which my hon. Friend the Member for Warwickshire (Mr. Spooner) is fond of using. There is nothing like coming to facts, and we have a fact in regard to this question. When the Royal Commission was appointed, they made a very vigilant search in order to ascertain the number of marriages which had occurred or had been prevented by Lord Lyndhurst's Act, and in a table in the appendix of their Report they published the number of these marriages, divided into three classes of society. In the upper classes of society there were seventy cases where parties had either contracted or been prevented from contracting these marriages; in the middle classes 1,600, and among the class of labourers and mechanics a few above forty. I think, therefore, that those who use the argument of injury to the poor man had better consider whether the condition of the labouring man will not be more raised by maintaining the law as it is than by degrading the practice of the poorer classes to the level of those among the middle classes who have endeavoured to contract these marriages in spite of the law, and who have too often entered into concubinage where they could not contract marriage. The last argument—and it is one that ought to be fairly met—is that derived from the number of persons who, we are told, do not and will not keep this law, and therefore we are asked to alter it. Now, Sir, if there is one point more important than another for this House, as a legislative body, to declare, it is that it will not alter a law because a few persons choose to violate it. My notion is, that when Parliament declares a thing to be

law, and persons declare that they will commit an act known to be in violation of that law, they commit not merely a penal and legal, but also a moral offence. I say that for the good of society in this country, as long as the law declares that this or that ought to be prohibited, we as a Legislature are bound to say—unless the violation of that law is so extensive that it cannot be kept—that we will listen to any reasons for a change, and to any arguments showing our policy to be wrong; but that there is one thing we will not listen to, and that is when the minority go and break the law and then come to the House and demand that it shall be altered. These are the only arguments that can be urged for this measure, and we have to weigh against them the undesirableness of changing what has always been the law of this country, and which has produced a state of moral purity in our domestic relations as great as can be produced by any law. Bearing in mind, then, that if an alteration is once made, there is no rule which points out where we shall stop without going to excesses which you yourselves would now revolt from; and bearing in mind, too, that those are not here who are more interested in this matter than any others, and who are most repugnant to the change that you are now asked to make, I beg, I entreat and implore the House not to sanction this Bill.

MR. BUXTON said, the right hon. Gentleman who had spoken last had endeavoured to show that his hon. and learned Friend had argued for absolute liberty of marriage, whereas, what he really urged was that *prima facie* any man might marry any woman; and he then pointed out the principle of the restrictions that were necessary. He did not advocate universal liberty of marriage. He (Mr. Buxton) was sorry to hear it argued that the question before the House was not a poor man's question. He had heard from clergymen that in a great number of cases marriages of the kind were contracted between persons of the humbler class; and that where they were prevented from marrying, concubinage prevailed to an extent that was greatly to be regretted. The petitions in favour of a change in the law had been signed by 1,100,000 persons. It was in vain to allege that such a result had been brought about by any machinery, for no machinery could have induced so large a number of persons to petition for a change which they did not care a farthing about.

It was worthy to be remembered that the Jews had always permitted these marriages. Coming to the Church of England, they found that nineteen bishops, two archbishops, and between 400 and 500 clergymen in the neighbourhood of London had declared that in their opinion there was nothing in the law of God to prevent these marriages. The leading Dissenters had expressed a similar opinion upon the religious question. Protestant communities across the Atlantic and across the Channel shared the same views. As for the House of Commons, it had thirty-one times affirmed the principle of the Bill. With all these authorities in favour of the measure, he thought that the Scriptural argument against such marriages ought to be no longer persisted in. Nor could he allow that it was a question of mere expediency. It was a question of right and justice. In forbidding a man, when God had not forbidden him, to marry the woman he loved—in forbidding him to give his children a mother already devoted to them, instead of a strange step-mother—they were as cruelly wronging him as if they snatched away his money or his land. He had a claim on their justice to be allowed to do that, and they were trespassing on his rights in debarring him. If Scripture said nothing, people would be left to form their own opinions. But when a line had been precisely drawn between allowed and disallowed marriages, surely those who demanded to use the freedom which God had given them were wronged if that freedom were taken away, upon the pretence of some fancied awkwardness arising to imaginary people. The case for the Bill seemed overwhelming, if they took the ground of expediency alone. But the true, the decisive reason for supporting it was that the existing law was a trespass on men's natural rights, and that it filched from them the freedom reserved to them by the law of God.

SIR EDWARD COLEBROOKE said, he had always supported a measure of the kind now before the House, on grounds that more peculiarly applied to England. He wished his hon. Friend had still confined his Bill to England; but if it were the opinion of the House that the change in the law ought to extend to the whole kingdom, he should not oppose the extension of the measure to Scotland. That, however, was a matter which would be more properly discussed in Committee on the Bill.

*Mr. Buxton*

MR. SPOONER said, it was always with great hesitation that he differed from his right hon. Friend the Member for the University of Cambridge (Mr. Walpole), who seemed to think that these marriages were forbidden by Scripture. He had given to the subject the most anxious consideration, and had come to a different conclusion. He looked on the question as a social question: and, from what he had learned from many clergymen with regard to the large town of Birmingham, he believed that the prohibition against these marriages operated injuriously among the poorer classes. His right hon. Friend had referred to what had fallen from him on former occasions as to the immoral effect produced by the law as it now stands amongst the working classes in great towns. He quoted some figures from the Report of the Commissioners appointed to inquire into the state and operation of the Law of Marriage, showing that the working classes were in very small proportion interested in that law. The accuracy of such a statement depends entirely where the line between the middle classes, as the Report calls them, and the working classes was drawn. He would state a case which, from the very best authority he had been informed, was not a singular case. A mechanic living in a cottage lost his wife, who left him, perhaps, two or three children. His work necessitated his absence from morning to night; it was necessary that he should seek some one to take charge of his children without cost, and, naturally, he looked to his wife's sister. She came, attended the family, and it was almost impossible that such close intimacy should not originate affection. Was it then just that a connection not prohibited by the Word of God should be prohibited by man? And would not the effect of such marriages being prohibited be to produce far more immorality than would be caused by the proposed alteration?

MR. KINNAIRD said, the Bill would not be looked upon with favour in Scotland, totally irrespective of religious opinions; and therefore he felt it his duty to oppose the second reading.

MR. MONCKTON MILNES: It is unnecessary that I should make an elaborate speech to vindicate the course I have pursued in bringing in this Bill, more especially as in the course of this debate hon. Members have spoken with so much ability that I would rather hear any one than myself. Perhaps, however, it will only be



respectful to the House that I should reply to some of the leading arguments that have been brought against this Bill. There are certain technical arguments which have been brought forward by my right hon. Friend (Mr. Walpole), which may be disposed of at once in Committee by Members of greater legal subtlety than I can pretend to possess, and which will entirely disperse the imaginary apprehensions entertained by my right hon. Friend, and thus prevent the Bill from extending any further than the legalizing of marriage with the sister of a deceased wife. I can have no other object in proposing this Bill; and if my right hon. Friend finds any flaw in it of the kind he has indicated, I shall be happy to assist him in putting it right. But I must say that my right hon. Friend has taken a line of argument that he will find it very difficult to carry out, when he tells us that I am seeking to disturb what has been the law of this country during the last 300 years. I am about to do no such thing. I find the law already disturbed—I find public opinion already disturbed—I find the minds of religious men already disturbed—I find the conscience of the people already disturbed, and I try the best I can by this Bill to set things right, and to restore the missing link between the law of the country and the conscience of the people. My right hon. Friend has said that these marriages had been prohibited from time immemorial. He has said nothing about the first three centuries of Christianity, to which we in England look back with so much interest and so much affection. He is too good an ecclesiastical historian to include the first three centuries in his historical retrospect. During that time the question of marriage remained a question of great doubt and difficulty, not only with regard to affinity, but to polygamy itself. A great controversy was carried on between the Christian Church and the Civil Government, which was at that time so loose in its habits and so forgetful of the old principles of the Roman law that but for the interference of the Church—the most salutary interference—great confusion on the subject of marriage might exist. And this controversy went on from century to century until the Roman Church grasped the whole subject, and at length marriage was taken out of the hands of the Civil Power, and, according to the condition of the participants, was crowned as a sacrament or branded as a sin. I think my right hon. Friend was somewhat

at issue with the facts of history when he spoke of the subject never having been agitated in this country in former times. Did not the English Reformation itself hang mainly on the agitation of this question? If marriages of this nature had been of that abominable and incestuous nature of which he spoke, would the Church of Rome ever have sanctioned them? No; the Church of Rome withheld her sanction from those marriages, not because they were incestuous, but because they were unadvisable, and ought rather to be discouraged than encouraged. I am quite ready to admit that the state of the law before 1835 was very good and very salutary, and it is because I find that the law was disturbed by Lord Lyndhurst's Act that I ask you to carry out the intention of that Act, and to do what Lord Lyndhurst would have done had he not been prevented by the overwhelming vote of the House of Lords. The House of Lords decided on that question in a way so utterly opposed to English legislation that no one would have thought that any English Legislature would have ever sanctioned such a course. What would any person think of a state of law that would say that certain marriages were legal up to a certain day, but would be illegal afterwards? The legal state of the case is in one word simply this:—These marriages of affinity were forbidden by the common law of England; that common law was founded on the ecclesiastical law, and during all that time only certain marriages of this kind were contracted. It is perfectly true that those marriages of affinity did not differ from other marriages of affinity; but did you find that the people of England contracted other marriages of affinity? No; they only contracted those marriages, which now amount to thousands contracted in perfectly good faith. Therefore, you have introduced into the habits of the people the custom of making those marriages, and when Lord Lyndhurst's Act declared that they were legal up to a certain day and illegal afterwards he disturbed what I believe up to that time was a very good state of things. The state of the law, which was then disturbed, exists in five-sixths of the British Empire—it exists in all the colonies which were established before the passing of Lord Lyndhurst's Act; because as in those colonies there are no ecclesiastical tribunals, those marriages cannot be disputed, and they are contracted as easily as in any other coun-

try. But in such colonies as Victoria and Queensland, which have been founded since that time, the Duke of Newcastle has been compelled by the decision of "*Brooke v. Brooke*," to disallow those marriages, and to establish a state of the law totally different from that which exists in the more ancient colonies. And thus it happens that a marriage is good in Sidney which is not good in Victoria, and it is good in Canada though it is not good in England. This is a state of things which ought not to be permitted to continue if you wish the good understanding between this country and her colonies to be preserved. With regard to marriages of consanguinity, as marriages between cousins-german, there is not a council of any Church, not a canon of any Church, not a civil decree which does not bind up those two things together, and does not regard marriages between cousins-german as marriages of this nature. Why, then, are marriages between cousins-german at present allowed? Because there has grown up in the minds of the English people, and of all other people, the conviction that, though there may from physiological reasons be grounds against those marriages, yet it is for the good of society that they should be permitted. It has been remarked that the question of the Reformation turned very much upon the validity of those marriages. Do you suppose, that had the conjugal relations of Henry VIII. lain in such a direction as to be favourable to the recognition of those marriages, the present state of things would have been what it is? From that historical fact alone we can explain that anomalous circumstance that all other Protestant Christian people have admitted those marriages which the law of England to a certain degree did prohibit. But before Lord Lyndhurst's Act it did not prohibit them absolutely, and therefore it ought not to prevent them now, because it would be unjust to permit them once and to forbid them now. I have only one word more to say, which is, that I bring forward this matter in no theoretical or poetical spirit. I want hon. Gentlemen to look at the plain statements of fact—to look into the homes of the thousands of Englishmen who are at present disturbed by the state of the law. I ask them to look into the minds of those men and to see what agitation you have produced in them. What they believe to be a legitimate marriage you declare to be incestuous and abominable. What is the inference that

they draw? Why, this—that you permit things in one class of society which you do not permit in another, and hence they come to the conclusion that concubinage in those circumstances is lawful and permissible. If you consult large employers of labour, such as my hon. Friend whose name appears on the back of the Bill, they will tell you how injuriously this law is acting on the morals of the people in their employment, how it is teaching them to disregard marriage in its most sacred attributes, how it is teaching them to believe that they are conforming to the law of God when they are not conforming to the law of men. I have seen such a man as Dr. Hook declare that he desires those marriages should be made legal from a regard to the general morality of the people. I know that feeling to be largely prevalent in that important manufacturing district with which I am connected, and I know it to be the feeling of the bishop who presides over the diocese. It has been said that the late Bishop of Durham deeply regretted before his death that he had enunciated those opinions; but I may be permitted to say that it is taking a liberty with his memory to make any such statement; and that unless proof can be brought forward, it would be as well not to make it in this House. Then, I have in support of my views the opinion of that eminent theologian, Mr. Hartwell Horne. He is now gone to his rest, but he has left behind him this record—

"From the best consideration which I can give to it, it appears to me that Lord Bury's Bill offers a fair and reasonable compromise amid the conflicting opinions respecting the marriage of a deceased wife's sister."

Again, there is the testimony of Dr. M'Caul, who may be regarded as one of the best Hebrew scholars of the day, at the same time that his orthodoxy cannot be disputed. Dr. M'Caul says—

"I confess that when I entered upon this inquiry I had not an idea that the case of those who wish a change in the present marriage law was so strong. I had thought that the opinions of grave and learned students of the Bible were more equally divided; and that as authorities were pretty evenly balanced, they who had contracted such marriages must bear the inconveniences arising from doubtful interpretation. But I do not think so now. Confirmed by the testimony of antiquity, and the judgment of the most considerable interpreters at the Reformation, and since the Reformation, I now believe there is no reasonable room for doubt—that there is no verse in the Bible of which the interpretation is more sure than that of Leviticus xviii. 18; and I think

*Mr. Monckton Milnes*



it a case of great hardship that they should by the civil law be punished as transgressors, whose marriage, according to the Divine law, is permitted and valid; and harder still that the children of such marriages, legitimate in the sight of the infallible Judge, should be visited with civil disabilities."

I will say nothing more. I have followed the decision of the House in extending this Bill to Ireland and Scotland. I have been confirmed in the course that I have followed with regard to one of those countries by the petition which I laid on the table to-day from a large portion of the Dublin clergy and from a considerable number of the inhabitants of that city. I have no doubt, too, that a considerable number of the Irish bishops have given their opinion in favour of this Bill. The opinion of Archbishop Whately on the subject is well known. I have not made the Bill retrospective with regard to Scotland, because I wish to adhere to the principles of Lord Lyndhurst's Act, and because I would give no encouragement to the opinion that I have brought in this Bill to condone the breaking of the law in any way whatever. This is merely a declaratory Act; it is to continue to the mass of the people that which has been partially granted by Lord Lyndhurst's Act. In that spirit alone I have brought it forward, and in that spirit I now beg the House to give it a second reading.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 144; Noes 133; Majority 11.

Main Question put, and *agreed to*.

Bill read 2<sup>o</sup>.

#### MARRIAGES (IRELAND) BILL.

##### LEAVE. FIRST READING.

SIR HUGH CAIRNS: I rise to ask leave of the House to introduce a Bill on the subject of the solemnization and registration of marriages in Ireland. Having towards the close of last Session introduced a similar Bill, and stated the objects of the measure, probably I shall best consult the convenience of the House by merely asking permission for the introduction of the same Bill, and deferring any lengthened remarks until the second reading. The main object of the Bill is to remove certain inconveniences and difficulties which have prevailed for a number of years with regard to marriages in Ireland, more especially with regard to marriages celebrated between persons belonging

to the various Protestant dissenting bodies. But inasmuch as to meet these inconveniences it is necessary to consider thoroughly the Act of Parliament which now regulates marriages in Ireland, and which was passed some fifteen or sixteen years ago, I propose to repeal entirely that Act, and to introduce a Bill which, if accepted by the House, will for the future form one complete code regulating all marriages in Ireland. At the same time, as any system for celebrating marriages would be incomplete without at the same time providing for their registration, I have appended to the Bill which I ask leave to introduce those clauses for the registration of marriages which were approved by the Select Committee of the House during the last Session of Parliament. I did not understand that it was the intention of the right hon. Baronet the Secretary for Ireland to introduce a Bill himself on the subject of the registration of marriages, although he has given notice of a Bill upon the subject of the registration of Births and Deaths; therefore I propose to append the clauses to which I have referred to the present Bill. If, on looking over the Bill, it meets the approval of Her Majesty's Government, and the right hon. Baronet will take charge of it in its future stages, I shall only be too happy to resign it into his hands. I am sure that the right hon. Baronet can confer no greater boon upon Ireland than by passing a Bill of this description.

SIR ROBERT PEEL said, he had no intention of opposing the introduction of the Bill. What he had told the House the other night was, that it was his intention to introduce a Bill for the registration of Births and Deaths; but that a Bill for the registration of Marriages was under the consideration of Government, and he hoped to be able to introduce that Bill also. He quite agreed with what had fallen from the hon. and learned Gentleman as to the grievances of the Protestant Dissenters; and if the House would give a general system of registration in Ireland, great relief would be afforded.

MR. VINCENT SCULLY said, he had not been able to collect from the speeches which they had just heard whether the Bill was to go beyond the Protestant Dissenters. He wished to warn the hon. and learned Gentleman and the right hon. Baronet how they interfered with Roman Catholic marriages, which were celebrated in a manner satisfactory to the people of the country.

SIR HUGH CAIRNS said, that in answer to the hon. Gentleman he had to state that the Bill in two respects proposed to deal with Roman Catholic marriages. First, as regarded their registration, it proposed those clauses which were agreed upon in Committee of the House last year; and secondly, it proposed the repeal of the old Act of George II., with regard to what were called mixed marriages, upon very much the principle which had been suggested by the late Lord Chancellor in the House of Lords, and to introduce provisions in place of that Act.

Leave given.

Bill to amend the Law relating to the Solemnization and Registration of Marriages in Ireland, *ordered* to be brought in by Sir HUGH CAIRNS and Mr. WHITE-SIDE.

Bill *presented*, and read 1<sup>o</sup>.

House adjourned at half after  
Four o'clock.

## HOUSE OF LORDS,

*Thursday, February 20, 1862.*

The House met, and having gone through the business on the Paper,

House adjourned at a quarter past Five  
o'clock, till To-morrow, half-  
past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, February 20, 1862.*

MINUTES.]—NEW WRITS ISSUED.—For Gloucester City, *v.* Philip William Price and Charles James Monk, esquires, void Election; for Wakefield, *v.* William Henry Leatham, esquire, void Election.

PUBLIC BILLS.—1 County Courts Procedure; Births and Deaths Registration (Ireland.)

### ST. GILES'S-IN-THE-FIELDS DISUSED BURIAL-GROUND BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. HARVEY LEWIS said, he rose to move that the Bill be read a second time that day six months. The object of the measure was to turn the old burial-ground into

*Mr. Vincent Scully*

glebe land for the rector, which would lead to the desecration of the graves and the conversion of the open space into a mass of buildings. There was a very strong feeling in the parish of St. Pancras that the Bill would materially interfere with the vested rights of a number of persons, and the Bill contained no clause to give them compensation. The parishioners of St. Pancras likewise contended that the Bill was opposed to the policy of the Metropolis Local Management Act, which discouraged the grant in any one parish of such rights as were sought to be obtained under it.

MR. COX seconded the Amendment.

Amendment proposed, to leave out the word "now," and to insert at the end of the Question the words "this day six months."

MR. MASSEY said, that it was impossible to contend that the rector would acquire, under the provisions of the Bill, any power of dealing with the consecrated portion of the ground; except, indeed, of keeping it in repair. All parties would remain in precisely the same position under the Bill as under the existing law, the only difference being that instead of being paid by the churchwardens their claim would be upon the rector of St. Giles's. It was only in respect of the portion of the ground appropriated to building purposes that a beneficial occupation could be enjoyed. Having been connected with the administration of the Burial Acts, he had an opportunity of observing the extreme hardships inflicted upon the parochial clergy, and especially the clergy of the Metropolis, by the operation of those Acts. While other parties came clamouring to that House for compensation and obtained it, the clergy of the Metropolis had submitted in dignified silence to a most serious loss. The effect of the Bill would be, that an income of about £200 a year would be derived from a small portion of the ground which had never been consecrated or used as a graveyard. Out of that income, however, he would be liable to make compensation to the parish of St. Pancras, and to keep the consecrated portion of the ground in repair. The rector would then have an income of about £150 a year. It was a just and equitable Bill, and he should vote for the second reading.

LORD FERMOY said, he should oppose the second reading of the Bill. He would beg to remind his hon. Friend who had just sat down that the present rector of St. Giles was appointed in 1857, subse-



quent to the passing of the Burial Act, and he therefore accepted his benefice with its disabilities, and consequently, as an individual, could not claim to be indemnified. There was no clause in the Bill that would compel the rector to maintain the burial-ground simply as a burial-ground. He contended that the rector ought not to be allowed to increase his income in the manner proposed by this Bill, which would enable him and his successors, if they thought fit, to cut up the whole of the ground for building purposes. If the Bill were carried, it would be impossible for those who had vested rights in the graves to prove them.

MR. DEEDES said, he should support the Bill, which conferred no power which could lead to the desecration of the burial-ground.

MR. COX said, he should oppose the Bill, because it contained no provision to prevent building upon the consecrated ground.

MR. KINNAIRD said, he believed that the 12th clause was sufficient for that purpose; but he would promise, on the part of the promoters, to consent to the insertion of any further restriction which might be deemed necessary.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 142; Noes 39; Majority 103.

Main Question put, and agreed to.

Bill read 2<sup>o</sup>.

#### THE REVISED EDUCATIONAL CODE.

##### NOTICE.

MR. WALPOLE: Sir, I beg to give notice that on Tuesday, the 11th of March, I shall move the following Resolution:—

"That this House will on a future day resolve itself into a Committee of the whole House, to consider the best mode of distributing the Parliamentary Grants for Education now administered by the Privy Council."

It will be for the convenience of the House that I should state that, in case that Motion shall be assented to, I shall move in Committee certain Resolutions with reference to parts of the Revised Code.

#### THE BRITISH COLUMBIA GOLD FIELDS.

##### QUESTION.

MR. CAIRD said, he wished to ask the Under Secretary of State for the Colonies, Whether he can confirm the reports which have recently appeared regarding Gold

Discoveries in British Columbia, and if he will lay upon the table any recent information regarding that Colony and its Gold Fields; whether it is the intention of Government to establish a regular Postal Communication with British Columbia; and that any recent information regarding the Australian Gold Fields be laid upon the table?

MR. FREELAND said, he would beg to ask the hon. Gentleman, before he answered the question just put to him, Whether any reports or despatches have been received from the Governor of Canada or the Governor of British Columbia with reference to the establishment of telegraphic communication or communication by water and railway between the north-west corner of Lake Superior and New Westminster, on the Fraser River?

MR. CHICHESTER FORTESCUE said, that the part of the first question relating to postal communication would be answered by his right hon. Friend the Chancellor of the Exchequer. With reference to the gold discoveries in British Columbia, a Paper would shortly be laid upon the table which would give the latest information received from the Governor on the subject. It would fully confirm, but not add much to what was contained in the excellent accounts that had appeared in the columns of *The Times*. The Governor had assured the Home Government that the almost fabulous accounts of the richness of the gold fields and of the Cariboo discoveries were not exaggerations. The only difficulty arose from the remoteness of the mines from the mouth of the Fraser, and the consequent expense of the transport. The Governor, however, was applying all such colonial funds as he had at his disposal for such a purpose to improving the means of communication and bringing the necessaries of life within reach of the miners. With reference to the question of the hon. Member for Chichester (Mr. Freeland) no communication had been received from the Governor of Canada or the Governor of British Columbia since the despatch of Governor Douglas, which would be found in the British Columbia Blue-book for 1860. With respect to Australia, Her Majesty's Government had lately received an interesting Report from Governor Barkly, giving an account of an inspection which he had made of the gold fields, and reporting that although from temporary causes there had been a certain diminution in the yield of

gold in Victoria last year as compared with former years, yet he believed that the gold mines in that Colony would not only be as prolific, but as permanent a source of industry as our iron and copper mines.

THE CHANCELLOR OF THE EXCHEQUER said, that as regarded the question of the hon. Member (Mr. Caird) as to whether it was the intention of the Government to establish a general postal communication with British Columbia, by which he presumed the hon. Gentleman meant a postal communication by steam between San Francisco and British Columbia, he did not think that any sufficient reason had been shown why there should be a direct charge on the Estimates of this country for a service of that kind, but he was glad to say that such communication seemed to have been established, provisionally, at all events, by the colonists themselves. A letter of the 10th of January, received by a mercantile house in this country, had been communicated to the Postmaster General. In that letter it was stated that Messrs. Holiday and Flint, of San Francisco, had made an agreement with the two Colonies for six months for a fortnightly mail communication, at a charge of £10,000 for the six months, each Colony to pay £5,000.

#### SALARIES, PENSIONS, &c.—QUESTION.

MR. WHITE said, he wished to ask the Secretary to the Treasury, When the Return relating to Salaries, Pensions, &c., agreed to by the House on the 1st of March last will be laid upon the table?

MR. PEEL said, it was a long time since this Report had been ordered; but he could assure his hon. Friend that there had been no intentional delay in getting it prepared. He expected that it would be ready by about the middle of next month.

#### THE THAMES EMBANKMENT.

##### QUESTION.

MR. KINNAIRD said, he wished to ask the First Commissioner of Works, If he will lay upon the table of the House a copy of all Correspondence between the Treasury, the Office of Works and Buildings, and the Office of Woods, in reference to the Report of the Thames Embankment Commissioners, and any Bill to be founded or introduced on such Report.

MR. COWPER said, he was not prepared to produce this correspondence, which was

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a departmental one, concerning a Bill which was not on the table of the House. He did not think that its production would be of any public utility, while it would add to the Parliamentary printing account, which in general amounted to £24,000 per annum.

#### COMMISSION ON THE IRISH LAW COURTS.—QUESTION.

MR. VINCENT SCULLY said, he wished to ask the Chief Secretary for Ireland, Was the Lord Chancellor of Ireland consulted by Her Majesty's Government as to issuing the pending Commission with reference to the Courts of that Country; did he decline to be named on that Commission; and was there any objection to produce the Official Correspondence?

SIR GEORGE GREY said, that the Commission had been appointed in consequence of an Address from the House of Lords. He presumed that his hon. and learned Friend wished to know whether the Lord Chancellor of Ireland had been consulted about its composition. On that point he had been consulted. A correspondence on the subject had taken place between the Lord Chancellor of England and the Lord Chancellor of Ireland, but it was not of an official character. With regard to the second part of his hon. and learned Friend's question, he had to reply that it was at first proposed that the Lord Chancellor of Ireland should be one of the Commissioners; but on further consideration of the matter it was thought better to follow the rule that had been acted on in England, and not have the Lord Chancellor on the Commission, as it might become his duty to revise its proceedings and advise the Crown thereon.

#### TAXING MASTER—(IRELAND).

##### QUESTION.

MR. VINCENT SCULLY said, he would now beg to ask the Chief Secretary for Ireland if his attention has been directed to the case of *Mercer v. Mercer*, in the Dublin papers of the 10th instant, which report the Lord Chancellor of Ireland as having expressed his judicial opinion to the effect that "There was, no doubt, a considerable arrear of business in the Taxing Offices of the Court, owing to Master Tandy's death, and he might say that it was not any fault of his that the office was not filled up." Is it intended to fill up that office, and when; and there is any objection to produce the official correspondence between



the Lord Chancellor of Ireland, or the head of the Taxing Department there, and the Lords Commissioners of Her Majesty's Treasury in London?

MR. PEEL said, his attention had not been called to the case alluded to. But the delay in the appointment of a Taxing Master was attributable to the Treasury, who thought it their duty to ascertain whether, in consequence of the decrease of business in the Irish Court, the duty could not be performed by two Taxing Masters instead of three, and whether the appointment should not be considered of a temporary rather than of a permanent character. The Lord Chancellor having advised the appointment to be made permanently, it was not the intention of the Treasury to delay any longer the appointment. They, however, reserved to themselves the right, whenever the next vacancy arose, of inquiring into the whole subject and the number of Taxing Masters required for the proper discharge of the duties. He was quite ready to produce the correspondence in question if the hon. and learned Gentleman moved for it.

#### BASTARDY LAWS (IRELAND.)

##### QUESTION.

SIR FREDERICK HEYGATE said, he wished to ask the Chief Secretary for Ireland, Whether he intends to introduce a Bill this Session upon the subject of Bastardy in Ireland?

SIR ROBERT PEEL said, it was intended to introduce a Bill on the subject during the present Session.

#### WAYS AND MEANS—THE FINANCIAL STATEMENT.

##### Resolution reported—

"That towards making good the Supply granted to Her Majesty, for the Service of the year ending the 31st day of March, 1862, the sum of £973,747 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

SIR HENRY WILLOUGHBY said, that as the House was about to sanction an additional expenditure of £973,000, caused by the expedition to Canada, he thought it right to call the attention of the Chancellor of the Exchequer to the fact that nearly the whole of the probable surplus spoken of by the right hon. Gentleman in his last financial statement had been appropriated by the supplementary estimates which were introduced last Session. He wished to ask, Whether it was the right hon. Gentle-

man's intention to make any statement to the House showing how matters really stood as to the last financial year?

THE CHANCELLOR OF THE EXCHEQUER: The hon. Baronet is right in supposing that the supplementary Estimates introduced last year absorbed nearly the whole of the probable surplus which was calculated upon when the regular financial statement was submitted to the House. He is also correct in saying that since that time, during the present Session and in connection with the American question, an expenditure of between £900,000 and £1,000,000 has been submitted in the shape of supplementary Estimates. We have now arrived at the 20th of February, which is within less than six weeks of the close of the financial year, and I hope to be able to submit the usual financial statement of the coming year to the House before Easter. Under these circumstances I shall best consult the convenience of the House if I bring into one view the entire revenue and expenditure of the country. I do not therefore propose to make, on the part of the Government, any financial statement before the close of the present financial year.

*Resolution agreed to.*

Bill *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. PEEL.

#### GLOUCESTER CITY WRIT.

##### NEW WRIT MOVED.

MR. H. BERKELEY said, that he rose to move for a New Writ for the election of two members for the city of Gloucester. In submitting the case of this ancient city to the attention of the House, he could not but express his opinion that the conduct adopted by the House towards the constituency and great mercantile community of Gloucester had been both unjust and unconstitutional. He was not about to offer any defence, extenuation, nor even apology, for the malversation of the franchise which had so disgraced Gloucester; but he begged to call the attention of the House to a fact of which it must be perfectly aware, that the plague-spot prevailed not only within the walls of Gloucester, but within the walls of some forty or fifty other places. Up to that moment the House had viewed such matters with stolid indifference. Attempts had, indeed, been made to deal with the evil, but they had all ended in one miserable Bill which had been a miserable failure.

Owing to circumstances that might be explained, but for which no apology could be offered, Gloucester now stood in a very unenviable position, but it was one which the House could no longer ignore. The House had said, "Our dignity is hurt—our virtue is insulted—and we must find a remedy." What was that remedy or nostrum? It was to punish the innocent, and let the guilty go free. Such had been the result of the Royal Commission. He should have to trouble the House with a short narrative of what took place at the two elections which had brought down upon Gloucester the indignation of the House. An election took place in the year 1857, at which there were three candidates—Sir Robert Carden, Mr. Price, and Sir Maurice Berkeley. The agents of these gentlemen agreed that no unconstitutional means should be resorted to, and none but legal expenses incurred. The day of polling arrived, but while the agents of Mr. Price and Sir Maurice Berkeley kept their pledge, the agent of Sir Robert Carden bought him into the borough. This naturally caused great exasperation among the constituency, because a pledge had been given and broken. A petition was presented against the return, and the matter was referred in the usual manner to a Select Committee. A number of the working classes came before the Committee, and swore that bribery had been committed by Sir Robert Carden's agents, while a number of tradesmen and others of the class above the working classes swore directly to the contrary. It was a case of fustian-jacket against broad-cloth, and broad-cloth won the day. The petition against the return had, indeed, a narrow escape of being declared frivolous and vexatious. He must then make a small leap in his narrative, and go to the Royal Commission. When that Commission sat, it was proved beyond doubt that the working men who had been examined before a Committee of the House of Commons had told the truth, and that the class above them had sworn that which was false. The result of the election petition was well calculated to exasperate the partisans of the defeated petition. Unfortunately, in 1859, another election came off. The Liberal party then met, and said, "We will win this election." They used every sort of bribery that was to be used, they committed every illegal act that was possible, and they sent back Sir Robert Carden to London, defeated at his own weapons. The House of Com-

mons then instituted a Royal Commission, which sat under the provisions of the Act of Parliament. Nothing could be more admirable than the manner in which the Commissioners, who were able and intelligent men, prosecuted the inquiry. They carried out to the fullest extent the intentions with which the Commission was granted. Against that Commission he had not a word to say. So far as it was a judicial Court of Inquiry, it was constitutional and proper. But the Commissioners had under the Act a kind of sacerdotal function. They set up a confessional, and they addressed all the rascality of the town, saying, "Come unto us all you political sinners; confess what you can of yourselves, cast dirt at your neighbours and friends, and we will give you absolution." The men thus invited, naturally afraid of the sting of the law, rushed to that confessional as to a sanctuary, unburdened their souls, and disclosed the iniquity of others. When they had made a clean breast of it, the Commissioners said, "You are now safe. We will grant you an indemnity. Return to your virtuous homes, and *pax vobiscum!*" He must trouble the House with some of the facts from the budget collected by the Commissioners. The population of Gloucester was 35,000. The electoral district contained 17,000 persons. The electoral body consisted of 1,600. The Commissioners inquired into the transactions of the two elections of 1857 and 1859. They found that at the election of 1857 there were twenty-two persons who had received bribes, while the Select Committee which sat on the petition found that not a single soul had been bribed at that election. The Commissioners found that sixteen persons, eight of whom were included in the twenty-two who had offered bribes, had been guilty of treating. They found that in 1859 a very different state of things prevailed. Seventy-one persons, inclusive of seventeen of the offenders of 1857, had offered bribes; 250 persons, including a considerable number of the offenders of 1857, had received them; and forty-four, nearly the whole of whom were included in the previous schedules, had been guilty of treating. The Commissioners also found that many of the electors had been employed as messengers and doorkeepers. Under the head of bribery they found that there had been 365 corrupt persons in the two elections out of 1,600 electors. He would assume, although he believed the estimate was ex-

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cessive, that there were 400 persons in Gloucester who, at these two elections, had been guilty of some malversation of the franchise. In that case there were 1,200 electors who had gone through the test of that fiery ordeal the Commission, and who had come out of it, and stood before them enamelled as honest men. Few bodies of electors have had such an ordeal to go through, and yet they let the 400 dishonest men go, while they withheld their rights from those 1,200 proved electors. And where was this done? In the county of Gloucester of all places in the world. And yet in the very same county were the boroughs of Cirencester and Tewkesbury, which had no enviable reputation. The number of electors on the registry for these two boroughs was 800, the number that went to the poll thanks to intimidation and other causes did not amount to 600, and yet they allowed those 600 doubtful electors to return four Members to Parliament while they refused to allow 1,200 proved, honest men to return two. Was there any justice in that? But did the evil stop there? Not only were those 1,200 honest electors deprived of the franchise, but also the commercial community of Gloucester—bankers, merchants, shipowners, men residing at a port, the second on that great estuary the Severn, into which vessels entered from 200 up to 1,200 tons. And what was the trade of that place? It was very considerable both with the Baltic and with our North American possessions in timber and in grain, and yet they refused to Gloucester her political agents—those men who had the guardianship of her interests, who were the medium of communication with the Government as well as her organs in that House. Would any hon. Gentleman underrate the importance of Members of Parliament to a great commercial or great manufacturing community? It was scarcely possible to overrate their importance. He did not allude only to those hon. Members who displayed their eloquence in that House, but to those men who looked after the local interests of their constituents, who cared for their manufactures, and were what was called excellent local Members. Nor was he without authority upon that point. One of the greatest authorities that had ever come into that House stated what those duties were in such a manner as would make any hon. Member who was inclined to treat the matter lightly, think seriously

of what consequence those duties were to a constituency. It was at the election for Bristol in 1780 that Mr. Burke described what those duties were. A gentleman of great mercantile eminence stood for Bristol; he was a man of large fortune, he belonged to all the institutions of the city, and exercised a generous hospitality. That man, of course, was an awkward customer. Now, how did Mr. Burke recommend himself to his constituents, and how did he meet the claims of such a man? Was it by referring to his great powers of oratory, to his eloquence, to the superb manner in which he treated national and political questions. Nothing of the sort. He kept that out of sight, but these were the words in which he described the claims which he considered he had for re-election—

“My canvass was not on the 'Change nor in county meetings, nor in the clubs of this city; it was in the House of Commons; it was at the Custom-house; it was at the Council; it was at the Treasury; it was at the Admiralty. I canvassed you through your affairs, and not your persons. I was not only your representative as a body; I was the agent, the solicitor of individuals. I ran about wherever your affairs could call me; and, in acting for you, I often appeared rather as a shipbroker than as a Member of Parliament. There was nothing too laborious or too low for me to undertake. The meanness of the business was raised by the dignity of the object. If some lesser matters have slipped through my fingers, it was because I filled my hands too full, and in my eagerness to serve you, took in more than my hands could grasp. Am I to be 'How d'ye doed' out of my seat by this gentleman?”

He thought he had properly estimated the value of a Member of Parliament, of which they had deprived Gloucester. It was true that Gloucester was perfectly well known to their Chancellors of the Exchequer, whoever they might be. Gloucester was of value to the Budget, but where were the agents of Gloucester to run in and out of the Treasury, the Board of Trade, and the Admiralty? Gloucester was deprived of them for no other cause than the sins of 400 persons. And now he would ask what was their authority, what their precedent for that? He could find but one, and of that precedent he thought they ought to be ashamed. He found that the writs for the city and for the county of Gloucester were withheld by the Rump Parliament, in 1648—the year before the decapitation of Charles I. Well, at that time five Members for the county—the House would remember that at that time counties had more Members than at the present moment—and two for the city were

refused seats in that House. Now, there was no charge, at that time, against either the city or the county of malversation of franchise; it was a whim of the Rump Parliament, whose eccentricities the House was well aware went to a great length, to say nothing of their passing a Bill to expel the Lords from the Upper House. But did the county or the city of Gloucester sit easy under that infliction? They did not; they held meetings; they issued strong remonstrances; they said, "You have no right to inflict upon us taxation without representation;" and they went further and said, "Unless you reinstate our members, we will no longer pay taxes, nor will we obey the laws which you make." The document which embodied these views was so short and so much in point that he would quote it. Hon. Members who were curious to see the original might find it in the British Museum—

"That after great sufferings and trials, the vast expense of treasure and blood for our rights and liberties and privileges of Parliament, such persons in whom we have already lodged our trusts, and who have sufficiently manifested their endeavours to perform the same—namely, Nathaniel Stephens, Esq., Sir John Seymour, Edward Stephens, Esq., John Stephens, Esq., and the Right Hon. Thomas Lord Fairfax—have been since December, 1648, and still are denied the freedom of sitting and voting in Parliament. The restoration of which Members we desire with all freedom to their former capacity, and declare that we shall not otherwise consent to pay tax or other impositions, or hold ourselves bound by any law to be made without the restitution of these our representatives, with a supply of all vacancies by a free election according to the fundamental laws and constitutions of this nation, it being the undoubted birthright of all the freeborn people of England that no tax or other imposition be exacted from them but by their consents had by their representatives in a full and free Parliament."

Shortly after this remonstrance, writs were issued for the city of Gloucester and the county of Gloucester, and the following Members returned—for the city, W. Lenthal, Esq., and Alderman Pury; for the county, Judge Hole, George Berkeley, Christopher Guise, Sylvanus Wood, and John Howe. Upon these grounds, he begged to prefer the petition to the House that they would grant a restoration of rights to Gloucester. With a confident hope that his proposition would not meet with any opposition, he would conclude by moving—

"That Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a new writ for the electing of two citizens to serve in this present Parliament for the city of Gloucester, in the

room of Philip William Price and Charles James Monk, Esquires, whose election has been determined to be void."

SIR GEORGE GREY said, that it was not the intention of the Government to offer any opposition to the Motion, or to that other Motion of which notice had been given by an hon. and Gallant Member opposite (Major Edwards) for the issue of a writ for Wakefield; but he must, at the same time, express his dissent from the opinion of the hon. Member, who had that evening advocated the claims of the constituency of Gloucester, that that city had been unjustly treated by the House. He did not think the House would feel that such was the case, having heard the terms—terms which we should be sorry to repeat—in which his hon. Friend had characterized the conduct of a large number of the voters. He could not admit that there was a sharp line of demarcation between the 400 electors whom the hon. Member allowed to be corrupt, and the 1,200 electors asserted to be perfectly pure. He believed that where corruption was found to prevail to a great extent—and the advocate for the borough admitted the corruption of one-fourth of the constituency—such a state of things would never be found to exist if the respectable portion of the constituency not only abstained from offering or receiving bribes themselves, but did their utmost to oppose all bribery and corruption on the part of others, and endeavoured by their own exertions to stop those evils. He was anxious to state, also, that the course which the Government were prepared to take upon the present occasion was not dictated by the opinion that these two boroughs had been adequately punished for the general corruption proved to prevail in them at the election of 1859. He believed, that if it was the determination of Parliament to place an effectual check on bribery, the strict rule hitherto acted on with regard to disfranchisement must be relaxed, and that, where general corruption was found to exist, disfranchisement ought to be had recourse to oftener than it has been, and the elective franchise transferred to some more fit body. He agreed with his hon. Friend that the elective franchise was highly to be valued, and no doubt it was convenient for a thriving city like Gloucester to be represented; but, whatever its interests might be, the trust reposed in a constituency might be justly forfeited by abuse. On the other hand, there might be cases where a large-num-

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ber of the electors were not implicated in corruption, and in respect to which case the House would not think fit to proceed to the extreme course of disfranchisement, but would adopt some less punishment to mark their sense of the improper practices of a considerable portion of the voters. That was a point that came under the consideration of the Committee on the Corrupt Practices Amendment Act, and that Committee reported the following as one of their resolutions :—

“That if, after the presentation of a report to Parliament by a commission of inquiry into corrupt practices at an election for any county, city, or borough, that extensive bribery has prevailed in such place, the House of Commons shall resolve that no writ ought to be issued for an election of a Member or Members for such place for a period of five years, no writ shall be issued for an election of a Member or Members for such place till the expiration of five years from the date of such resolution; provided that such provision shall not be held in any way to affect the right of Parliament either altogether to disfranchise such place, or to alter, suspend, or take away the right of voting of all or any of the electors therein.”

That Resolution was intended to apply to places in which corruption so extensive did not prevail as to justify the extreme remedy of disfranchisement, but in respect to which it was nevertheless desirable that the writs should be suspended for a time, not merely by a Resolution of the House, but under the authority of the Legislature, in order to allow a considerable change to take place in the constituency. A provision, founded upon that Resolution, would be inserted in the Bill which he hoped to introduce shortly to amend the Corrupt Practices Act. But dealing with the case before them, he at once admitted that he adhered to the opinion he had before expressed in that House, that there were serious objections to the suspension of a writ for a protracted period by the single authority of that House, and without reference to any proposed or pending legislative measure. With respect to the two boroughs to which it was proposed to issue writs, peculiar circumstances existed at the time when the reports of the Commissioners were laid on the table, which prevented any Bill being proposed; and after the period which had now elapsed, the seats having been vacant since 1859, he did not think that the House would— and he was not sure that it ought to be induced either to proceed by disfranchisement Bills, or by applying to them retrospectively an enactment such as he had just explained. Under these circumstances, the

Government did not feel it their duty any further to oppose the issue of these writs; but he trusted that it would be the determination of the House in all future cases not to allow constituencies among whom corrupt practices exist to escape without a much severer measure of punishment than had been applied in the present instance, and that Parliament would be prepared to proceed either by absolute disfranchisement or by a suspension of the writ for a time sufficiently long not only to mark the disapproval of the Legislature, but also to allow a considerable change to take place in the constituency.

MR. DISRAELI: The Government cannot take any other course in this matter than that which the right hon. Gentleman intends to pursue. The suspension of a writ by one branch of the Legislature is an arbitrary and unconstitutional proceeding, and one to which recourse ought not to be had unless under exceptional circumstances, and with a clear conception of what is to be the policy of the House under the circumstances. Let me recall to the memory of the House what has taken place with regard to the borough we are now considering, and with regard to the borough of Wakefield. In 1859 Parliamentary Committees of inquiry reported against the returns for both Gloucester and Wakefield, and a Motion was made for the suspension of the writs. As the Motion was made in contemplation of Royal Commissions of inquiry into the circumstances which took place at the elections, the object of the suspension was obvious, and the Motion was entirely proper. When the year 1860 arrived, and the then Secretary of State laid upon the table of the House the Report of those two Royal Commissions, he stated it was the intention of the Government that no Motion should be made for a new writ for either of the boroughs without a week's notice. Shortly afterwards, another Member of the Government—the right hon. Gentleman who was then Chancellor of the Duchy of Lancaster and who now fills the office of Secretary of State for the Home Department—gave the House some clearer conception of the policy the Government intended to recommend; and it was this—that a notice of one week should be given in order that the Government should have an opportunity of recommending to the House, that the writ should be suspended for not less than five, nor more than ten years; and the House, with that policy before them, consented to

the suspension of the writs for Gloucester and Wakefield. Yet the whole of the Session of 1860, which was a Session of unusual duration, passed away, no steps were taken to legislate on the subject of the suspension of writs, and the suspension of these two writs has been continuously arbitrary and unconstitutional. The suspension was at the end of the Session still existing, without any remedy being applied to the circumstances. Well, what took place in 1861? An hon. Gentleman brought the question before the House, and Motions were made for issuing the writs, certainly in one case, and I believe in both. What happened then? The Government opposed the issuing of the writs, and said that the Corrupt Practices Bill, which was then about to be introduced, would give an opportunity by which the evil might be met and a proper punishment for the offence awarded. Nevertheless, the Government of 1861 themselves declined to introduce into this measure the provision which was required in the case of the two boroughs; but they said it was open to any hon. Member to make a proposition which would involve the suspension for five or ten years. Neither the Government nor any Member of the House, however, made such a proposition, and the consequence was that another year passed, and this arbitrary and unconstitutional suspension of the writs still remains, and the question is still involved in the unsatisfactory circumstances to which I have adverted. Now, I do not clearly understand that a distinct engagement has this evening been entered into on the part of the Government, that if the writs under discussion are issued, they will be prepared to introduce a measure to meet, if necessary, any circumstances of a similar character which may in future arise. For my own part, I am strongly of opinion that it is most expedient to lay down some precise and definite rules by which the House may be guided on these questions of the suspension of writs. There are, I think, two cases in which writs may properly and legitimately be suspended. They may, for instance, be suspended in the case in which a Committee of this House—an Election Committee—has adversely reported against the returns of a particular borough, and when, acting upon that report, the issue of a Royal Commission is in contemplation. It is desirable that the suspension should under these circumstances take place in order to afford the Commission an opportunity of in-

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vestigating those details which it is necessary to ascertain. I am also of opinion that after a Royal Commission has reported adversely to a borough, the issue of a writ for that borough may constitutionally and properly be suspended if Parliament is prepared to legislate in the matter. If, however, Parliament should not be prepared to do so, the suspension of the writ is an arbitrary proceeding, and, as the result of the determination of only one branch of the Legislature, clearly unconstitutional. The evils to which such a suspension gives rise, irrespective of those to which I have already referred, are not inconsiderable. The Legislature in suspending a writ seeks, I take it for granted, to pursue a remedial rather than a retributive course; but, as hon. Members are well aware, corrupt practices are more prevalent during the excitement of an election than in times of ordinary tranquillity, and what, I should like to know, has been the result in the cases of Gloucester and Wakefield since the writs for those towns have been suspended? Why, their state has been one of chronic electioneering; so that the House of Commons, by the course it has taken, has actually encouraged and stimulated that mood of the public mind which is most favourable to that very corruption which it is the desire of the House to put down. Therefore, I think we ought to come to some clear understanding upon the course to be adopted in future with regard to this matter. When a Committee reports that a Royal Commission ought to be issued, no one can doubt on either side that the writ ought to be suspended; but if a Royal commission investigates the matter, and generally reports against the borough, the writ ought not to be suspended unless the House is prepared to fulfil the duty which, in my opinion, is imperative upon it—that is, to legislate upon the subject; and although I cannot conceive any opposition to the issuing of this writ now, which really, perhaps, ought to have been issued before, I still hope, if unhappily similar instances are brought before the House, that those who lead the House will certainly not advise as they have hitherto advised on this matter, but will be prepared to assent either to the issuing of the writ, or suspend it with a view of providing a remedy for the evils of which complaint was made.

MR. SERJEANT PIGOTT said, that when a Resolution similar to that under discussion had been proposed last Session



he had opposed it; nor could he help thinking that the circumstances of the case completely justified that course. He at the same time, however, quite concurred with the right hon. Gentleman who had just spoken in the opinion that it would not have been quite constitutional to negative that Resolution, had he not believed that further action would be taken, and that it was the intention of Parliament to deal with the question finally and specifically. The tenor of the discussion which had taken place on the subject last Session was, indeed, if he was not mistaken, calculated to lead to the supposition that it would be so dealt with. He was not, he might add, one of those who entertained the opinion, that if that supposition had been acted upon, such a proceeding could be fairly held to be open to objections which were urged against *ex post facto* legislation, inasmuch, as, although the offences against which the Act of Parliament was levelled might have been committed before it passed into a law, still it was no doubt competent for the Legislature to prevent the exercise of the electoral privilege in cases in which it had been so greatly abused as in the instances of Gloucester and Wakefield. It was, he also thought, a mistake to suppose that it was confounding the innocent with the guilty to visit with punishment for bribery and corruption the whole of the electors of a borough, because, unless Parliament were satisfied that all grades and all parties took part in the commission of those offences, they would not be likely to inflict the punishment at all, while, when they clearly ascertained that such was the case, they would be proceeding simply in accordance with a well-known principle of our law—which made, in many instances, a whole hundred responsible for the acts of one or more of its Members—in including a whole borough within the scope of any penalty the House might deem it right to impose. If, therefore, the Government had introduced a Bill visiting Wakefield and Gloucester with punishment for their past delinquencies, he should have no hesitation in saying that they would be doing a purely constitutional act. The matter, however, now assumed a different form. The last Session and the portion which had expired of the present had been allowed to pass away without the introduction of any such measure as he had indicated, and he, under these circumstances, felt bound to

concur with the right hon. Gentleman opposite, in the opinion that it was not a constitutional practice, or a convenient precedent, to establish, to suspend writs from time to time, in the hope that something might by possibility be done on the subject. No promise having in the instance under discussion been made on the part of the Government, that they were prepared to legislate in order to meet the requirements of the case, and the opportunity for doing so having been allowed to pass away, he, for one, could scarcely hope that the majority of hon. Members would sanction what would be an extraordinary stretch of power—the suspension of the writ any longer. He, at all events, was not prepared to negative the Resolution. He must, however, express a hope that the discussions which had taken place would not be barren of good results in the cases of Wakefield and Gloucester, and that they would yet take a respectable rank among the boroughs of England. He hoped, also, that hon. Members would bear in mind that those towns simply furnished types of cases which might be expected to occur again and again—which were, indeed, the more likely to occur in the future, owing to the fact that Parliament seemed disposed to deal with them so lightly. It was expedient, therefore, that the Government should deal with the subject vigorously and expeditiously, and that any measure which they might introduce should affect not only those constituents who might have been found guilty on the Report of a Royal Commission of receiving bribes, but also those persons by whom bribes were given and offered. He was thoroughly convinced, that if there were any probability of the law being put in force against persons offering bribes, the number of persons so offending would be much smaller. At all events, if that course were adopted, bribes would be offered much more carefully than at present. He would recommend that when a Committee reported to the House the names of persons offering bribes, the Bill should provide that those names should be handed over to the Attorney General and to the Law Officers of the Crown to decide whether a case could not be made out to justify a prosecution.

MR. BENTINCK said, he agreed with his right hon. Friend and with the hon. and learned Gentleman, that it was not expedient to leave questions of the kind to be dealt with according to the mere

caprice of the House of Commons. It appeared to him that the right hon. Gentleman (Sir George Gray) had very nearly approached the true remedy of the evil, when he hinted that the seats should in every case be taken away from corrupt constituencies and transferred to others; but he did not agree with him that the number of electors in any particular case was any reason why a different course should be resorted to.

SIR GEORGE GREY said, he had referred to cases where there were a large number of electors who were not compromised by the corrupt practices complained of.

MR. BENTINCK said, he would remind the right hon. Gentleman that he had himself said there could not be extensive corruption without the entire community being implicated in it; and therefore the distinction he had drawn between a large number of voters and a large number of innocent voters was perfectly immaterial. But he (Mr. Bentinck) could not help pointing out that Parliament had dealt with small boroughs in a way that it would not venture to adopt towards large ones. The hon. Gentleman (Mr. Berkeley) said, the conduct of the house towards Gloucester had been both unjust and unconstitutional. He (Mr. Bentinck) entirely agreed with that; for he believed, that if the House had acted towards Gloucester in a just and constitutional manner, it would have disfranchised it long ago. The House ought to be extremely obliged to the hon. Gentleman for his extreme candour; for he had told them that a large liberal constituency in which he was interested had resorted to every possible illegal act. He stated, it was true, that there were 1,200 electors who were perfectly honest, nay, he said they were perfectly "enamelled." Now, the House knew that enamel was often used to conceal imperfections, and he was afraid that such had been the case at Gloucester. He stated, also, that forty other borough constituencies were quite as bad as Gloucester. That was a very sweeping statement, but one which he believed was fully justified, as, if they searched the archives of the House, they would find that a much larger number than forty had been convicted of bribery within the last few years. He only hoped the hon. Gentleman would bear in mind the facts he had stated the next time he rose in his place eloquently to advocate the lowering of the borough franchise.

*Mr. Bentinck*

MR. NORRIS said, he wished to be informed whether there was any law or usage of Parliament which would justify the Government in acceding to the Motion that Session any more than during the preceding. Whatever was the limit to the power of the House in that respect, he hoped they would exercise it to the utmost in the case of guilty Gloucester. If the hon. Member for Bristol could have proved that the guilt of 1859, as exposed before the Royal Commissioners, was unprecedented, or had occurred under circumstances of peculiar temptation, or if he could have shown that it was limited to one party or to one class of electors, then there might have been some reason for saying that Parliament ought not to punish the whole constituency of Gloucester for the offence of a few. It appeared, however, from the Report of the Commissioners, that from time immemorial the practice of bribery to a gross extent had prevailed at Gloucester. To such an extent, indeed, had it prevailed that in 1852, when the three candidates agreed to try the experiment of an election without bribery, the electors stigmatized the resolution as a conspiracy to rob them of their rights, and to get their votes for nothing. Although the Commissioners had no authority to inquire into the circumstances of any election prior to that of 1857, they ascertained that as early as 1816 one gentleman expended upwards of £20,000 to procure his return; that two years afterwards another spent £16,000; and that at every subsequent election bribery had been practised upon an extensive scale, sometimes openly and sometimes secretly, but always controlling the return of Members. Such a constituency deserved to be disfranchised, and that punishment would be inflicted if the House was really sincere, and the Government was honestly seeking to put down bribery and corruption. The hon. Member for Bristol had understated the number of electors who were bribed at the last election. The persons whose names were mentioned in the Report of the Commissioners amounted to 28 per cent of the whole available constituency, and the list included men of all parties and all classes, from an alderman of the borough down to the humblest freeman. Under these circumstances he thought it was unworthy of the Government to consent to the issue of a writ upon that occasion.

*Motion agreed to.*



## WAKEFIELD BOROUGH WRIT.

## NEW WRIT MOVED.

MAJOR EDWARDS said, it was his pleasing duty to move that Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a new writ for the election of a burgess to serve in this present Parliament for the borough of Wakefield, in the room of William Henry Leatham, Esq., whose election has been determined void. Hon. Gentlemen opposite need not fear that he was about to inflict on the House a long speech, because, from the manner in which the subject had been conceded by the Government, he considered it hardly necessary at all to go into the matter. [*Cries of "Move, Move," "Agreed, Agreed."*] He did, however, think when he came into that House, notwithstanding the report he had heard out of doors, that it would be utterly impossible that the Government could any longer withhold the writ for Wakefield. On previous occasions when he had the honour of submitting the motion to the House, the noble Lord at the head of the Government had urged as a pretext for its refusal, that the Home Secretary had then a Bill before Parliament dealing with bribery and corruption at elections. When he considered that the borough of Wakefield was made a Parliamentary borough by the Reform Act of 1832, and had never had a previous charge of the kind brought against it, he did think it a hard case that because a small fraction of the constituency should have been guilty of bribery, the entire electoral body, of more than 1,000, should have virtually suffered disfranchisement during a period of three years; and not they alone, but also the whole population of 23,000, included within the electoral boundary of that important town, now constituted the capital of the southern division of the West Riding, and which was annually extending as one of the great centres of agriculture, manufactures, and commerce. [*"Move, Move."*] He would not trouble the House by saying more, but he really, in common fairness, expected he would have been allowed to answer certain allegations that had come from the other side of the House, notwithstanding the reluctant and tardy concession of the Government in withholding all further opposition to the issue of that writ, for which he fought so hard in vain last Session. He begged to move the issue of the writ.

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Mr. BEECROFT seconded the motion.

Mr. HADFIELD (who spoke amid much interruption) was understood to insist that the course pursued in the examination of the witnesses at the inquiry was a straining of our constitutional law.

Motion agreed to.

## BIRTHS AND DEATHS REGISTRATION (IRELAND).

## LEAVE. FIRST READING.

SIR ROBERT PEEL: Sir, I rise to move for leave to bring in a Bill for the Registration of Births and Deaths in Ireland. This is a subject which is acknowledged to be of very great importance to Ireland. It is admitted that the registration of births and deaths would be of extreme advantage in the promotion of both the moral and material interests of that country. In fact, in a general point of view the advantages of a system of registration cannot be denied; and all I, on the part of the Government, want the House to do now, is to give Ireland that measure of justice which has already been meted out to England and Scotland. England, as the House is aware, was dealt with in this matter by the Registration Bill of 1836, and Scotland by the Registration Bill of 1854. The greatest possible inconvenience results from the present state of things in Ireland, which is, I believe, the only civilized country in Europe where there is no system of registration. Property has become alienated for want of a proper and careful registration. All parties and religious sects in Ireland are thoroughly agreed as to the necessity of it. The Protestants of the North are not less anxious for it than the Roman Catholics, who have been the greatest sufferers from the want of an efficient registration. The Registrar General, Mr. Donnelly, has informed me that he knows of numerous cases of Irishmen who have died in America and the colonies leaving property, but their poor relations in Ireland, although the undoubted heirs, have been unable to recover the property from the absence of the means of proving their connection with the deceased. This matter has been several times considered by the House, and also by a Select Committee. The noble Lord the Member for Cocker-mouth (Lord Naas), when Secretary for Ireland, introduced a Bill on the subject. In 1861 my right hon. Friend (Mr. Cardwell) the Chancellor of the Duchy, also introduced

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a measure though different from that of the noble Lord (Lord Naas). Both Bills were referred to a Select Committee, and certain resolutions were passed which rendered it impossible in the course of last year to proceed with them. The subject, as I have already stated, has been long before the Irish public. I was looking over some correspondence the other day in reference to it, and I observed that Sir William Somerville, when Secretary for Ireland in 1847 and 1852, was urged to introduce a Bill. Again in 1855, although he was not then a Member of the Government, he was urged to bring in some measure on the subject; but he said there were so many difficulties in the way, he must decline to meddle with the question. I believe those difficulties have now in a great measure been removed. We have arrived at a period when we can fairly and honestly legislate on the matter for the benefit of Ireland; and I believe if the House will accede to the motion with which I shall conclude, the Bill to be introduced will meet the approval of Irish Members. To show the great inconvenience that arises from the present state of things, I will read a letter written as far back as 1850, by the clerk of the Dublin Presbytery, to the Registrar General, Mr. Donnelly, in which he says—

“Prior to 1861 the registry of birth and baptism was not attended to, and thousands of baptisms could not now be found.”

Then, there is another letter addressed to the Registrar General, which still more forcibly points out the necessity to the people of Ireland of such a measure as that I now propose. The writer, dating from Boyle, July, 1853, says—

“A brother of mine having died intestate, his life was insured for a large sum of money; but, from the difficulty of obtaining the necessary certificate to satisfy the just requirements of the insurance office as to identity, it was most vexatious, protracted, and expensive. Year after year the public suffer very much for the want of a proper and safe mode of registry of births and deaths.”

Here is another letter, from a minister at Coleraine, dated 1853, also addressed to the Registrar General—

“I take the liberty of addressing you relative to some general measure of registration of births and deaths. The importance of such a measure in a social and moral point of view can scarcely be overrated. The official and accredited records of parishes and congregations of the various sections of the Protestant Church in Ireland are

meagre, incorrect, and incomplete. Among the Roman Catholic population, constituting the great majority, the defect is still greater, as there is no specific ecclesiastical law requiring a priest to preserve a record.”

Observe what would be the immediate effect of the introduction of a measure such as I now propose on the well-being and morality of the country. First of all, parties would be able to prove their respective ages, and by proof of their pedigree to establish their title to property. At present parties dying abroad, in the colonies, or India, often die intestate. The usual course is to advertise for the heir; but, from the extreme difficulty of ascertaining who the heir is, there are numberless cases of the entire loss of the property which ought fairly to come to the poor relatives. By this Bill I hope that state of things will be remedied. I have said that Ireland is unhappily, I believe, almost the only country in Europe which is debarred the advantage of civil registration of births and deaths. The other day I read an able article in a foreign review in which allusion was made to Ireland in reference to this subject. The increase of population was spoken of, but without carrying with it that prosperity which should be proportionate. The prejudice which so long existed in Ireland in regard to registration is happily passing away. All classes are agreed to promote such a measure without reference to politics or religious differences.

I will now, with the permission of the House, very briefly explain the principal provisions of the measure I seek to introduce. But, first, I may state that I have submitted the Bill I propose to introduce to the criticism of the Registrar General for England (Mr. Graham), and I am happy to say that he has written me a letter, in which he says—

“I have given my best attention to the accompanying Bill, and I have made in it several alterations which I think essential. I hope you may succeed in what for several years each succeeding Secretary for Ireland has failed to accomplish, and this measure, as prepared by you, will, I think, be found to answer admirably.”

The principal features of the Bill are these:—We make the present Registrar General of Marriages in Ireland the Registrar General of Births and Deaths. His salary, at present £800, will be raised to £1,000; and we propose to give him a central office in Dublin, where he will direct the whole subject of births, deaths,

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and marriages. Abstracts of the registers will be laid on the table annually, and searches will be allowed to the public free of expense—of course, subject to certain restrictions. But then comes the great question which has so long agitated the public mind as regards the districts and who should be the registrars. Practically, the question who shall be the registrars has been the great stumbling-block. I have given the subject my anxious attention. There are six different modes in which the object may be accomplished. First of all, there is the proposal of registration by medical officers, then that by postmasters, then that by ecclesiastics, then that by persons nominated by the Lord Lieutenant, next that by persons appointed by the boards of guardians, and, lastly, that by the constabulary. To devolve this duty upon the postmasters, would, I think, be absurd; to devolve it upon persons selected by the Lord Lieutenant would be to place too much power in the hands of one officer in Dublin; that such a civil matter should be entirely intrusted to ecclesiastics would clearly be distasteful to the public; while, again, if the registrars were chosen by the boards of guardians, they would have to be nominated by the majority, and the minority would then always be at issue with the person elected. Consequently, I have resolved these six schemes into two, for it appears to me that only two of them are applicable to the circumstances of Ireland. The one of these is registration by medical officers, the other by the constabulary. The noble Lord the Member for Cocker-mouth recommended the constabulary for the discharge of this function, while my right hon. Friend the Chancellor of the Duchy recommended the relieving officers—that is to say, he followed the system in force in England under the Poor Law. I have carefully considered this subject. The great thing is to have the work done most efficiently, and at the same time most economically. Now, the advantages of using the constabulary as registrars of births and deaths in preference to the medical officers of unions will be seen from the following facts. The number of constabulary districts in Ireland is 1,570, giving an average area of twenty square miles to each; the number of dispensary districts, on the other hand, is 716, with an average area of about forty square miles. So that the registering constables will have districts less than one-half the size of those of the medical officers. Again, the average number of

families to be visited by each registering constable will be 719, while the number to be visited by each dispensary officer will be 1,577. The average number of births and deaths to be registered by each constable will be 200, and by each medical officer 438. The average yearly remuneration which I propose to give to each constable is £5, whereas the amount which each medical officer would receive, calculated at the rate of 6d. as his fee upon each entry, would be £10 19s. Now £10 19s. a year or about 7d. per day, is hardly enough to induce a medical man of education and position to inform himself of and register every birth and death occurring in a district covering on an average forty square miles. His daily avocations take him away from home for a great part of his time, and he would be obliged to have a deputy. Why, it is a well-known fact that the Poor Law Commissioners have stated that they think the 1s. fee which a medical officer receives for each case of vaccination is hardly sufficient to induce him to do the duty efficiently. If that sum is not enough for a congenial duty, how can we expect him for 6d. to attend to a matter scarcely within the immediate scope of his profession? And if the person wishing to have the registration effected were required to go to the registrar's house for that purpose, the system would operate very oppressively in Ireland. In fact, it would not work well unless the officer went to the house of the family where the birth or death had occurred. Again, a matter of the first importance is how you can best preserve the registers from injury? No doubt they would be more secure against fire or other accidents if placed in the custody of the officers of constabulary than if kept in the private residences of medical men, who are often absent, and cannot prevent the risks arising from the carelessness of others. Moreover, the constabulary are now and have for a series of years been employed in the collection of agricultural statistics, and have acted for three decennial periods as census enumerators. They are distributed over 1,570 different localities, they know almost every family, and hardly a birth or a death could happen in any house that would escape their notice. Indeed, the constabulary in Ireland is, I think, the most remarkably efficient force that exists in the United Kingdom. It is cheaper than any other force, and I know it is very popular. It has done immense service to the country,

and I believe it would be a boon to the men to receive an additional £5 a year each for undertaking the registry—a duty which, I have no doubt, they would perform admirably, and with every consideration and delicacy towards the persons with whom they might be brought into contact. I have had a return made out to show the comparative cost of pay and clothing for the rural police in Great Britain and for the Irish constabulary respectively. It is as follows:—

“Strength of the rural police of Great Britain, 13,437; cost, £788,800. Strength of the Irish constabulary, 12,124; cost, £430,084. Annual cost per man in Great Britain, £58 14s. 1d.; in Ireland, £35 9s. 6d. The London metropolitan police (6,047 men, pay and clothing, £354,821), cost on an average per man £58 13s. 6d.; the Dublin police (1,082 men, pay and clothing £53,419), average per man £49 7s. 5d.”

These facts, I think, prove that, of the various schemes proposed, the plan of employing the constabulary as superintendent registrars and registrars is the one most likely to be satisfactory and beneficial to Ireland. I may mention that we propose to require, as is done in Scotland, that the medical attendant of the deceased person shall transmit his certificate within seven days from the death. I should also observe that there is nothing in the Bill which will in any way interfere with the register of baptisms and burials as now by law established, or with the right of the officiating ministers to receive the fees now usually paid them upon baptisms and burials. The next question is, what will be the cost of this scheme? Because in Ireland we do not like to be burdened where we may avoid it. I have therefore prepared a statement, giving a comparison between the three respective plans of my noble Friend the Member for Cockermouth, of my right hon. Friend the Chancellor for the Duchy, and that which I am now describing to the House; and I am happy to say that the plan which I am proposing is not only the most efficient, but has the immense advantage of being extremely economical. I propose that the superintendent registrars should receive 2d. for every entry in certified copies of registers of births and deaths, and that every registrar should receive 6d. for every entry of birth or death. It is calculated that in Ireland there are about 200,000 births and 133,000 deaths annually. Reckoning these at 6d. for each entry, you have a total sum of £8,325, which, divided among 1,500 constables acting as registrars, gives

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about £5 11s. to each, or 4d. per day. The fee of 2d. on each entry would yield a total sum of £2,775 more. The proposal of my right hon. Friend was, that the medical officer acting as registrar should receive 1s., whereas I give the constabulary registrar 6d. My right hon. Friend proposed to obtain that 1s. from the poor rates—that is to say, one-half would have fallen upon the landlord and the other half upon the occupier. I propose to put upon the county cess—which I believe presses only upon the occupier—the whole 6d., or exactly the same amount as the moiety which my right hon. Friend's plan would have thrown upon the occupier. The comparative cost of the three schemes, then, stands thus:—The total annual charge under the plan of the noble Lord the Member for Cockermouth would have been £17,525; that under the plan of my right hon. Friend, £16,650; whereas the scheme which I have the honour to propose will cost the country only £11,099. Thanking the House for the kindness with which they have listened to my observations, I have now only to ask them to allow this Bill to be laid upon the table; and I am quite sure that if they should agree to this measure, it will tend to the moral and social improvement of the country, will remove the endless difficulties which have existed for many years past, and will be an act of justice to Ireland, doing nothing more than to place her on the same footing in this matter as England and Scotland now stand in virtue of recent legislation.

*Moved*, That leave be given to bring in a Bill “for the Registration of Births and Deaths in Ireland.”

Mr. HENNESSY said, that, as a Member of the Select Committee to which the question had been referred, he could not but express his regret that the right hon. Gentleman had not paid more attention to the evidence given before that Committee, and to the Report which dealt specifically with the Registration of Marriages. The conclusion at which they arrived was precisely the reverse of that embodied in the Bill which the right hon. Gentleman had introduced. They had condemned the employment of the constabulary, and they expressed a hope that an inefficient system would not be established merely because it might be more economical than another system. There was one disadvantage attending the Chief Secretary's proposal, which he was not surprised the right hon.



Gentleman did not perceive—it was that he was throwing the government of Ireland into the hands of the constabulary. The right hon. Gentleman had shown an inclination of that kind already; he had given new powers and inconsistent duties to the constabulary. Such proceedings were not at all to the taste of the Irish people, and perhaps some of the unpopularity which the right hon. Gentleman unfortunately gained in the course of his recent tour was owing to the circumstance of his having been accompanied by the head of the Irish constabulary. In Ireland that body was vulgarly known by the name of “Peelers;” and it was not surprising that the right hon. Gentleman wished to emulate the proceedings of his distinguished father, by making as much of them as possible. But the constabulary in Ireland had to do many things which were distasteful to the people: their legitimate duties they performed well; their novel and supplementary duties very badly. For this they could not be blamed. It was the fault of the Government. If, then, the right hon. Gentleman were to intrust this new and most important duty—a duty, too, of imperial interest—to a body of men who were already unpopular and overloaded with a variety of other business, he would find it most inefficiently discharged. He could not but think that medical officers—educated men, acquainted with the duties to be discharged—were preferable to officers who would have to be taught their functions before they could ever attempt to fulfil them. Another objection which he felt to the measure was, that it did not embrace the registration of marriages as well as of births and deaths. In this respect, also, he preferred the measure of the right hon. Gentleman the Chancellor of the Duchy of Lancaster.

MR. LEFROY said, he was also a Member of the Committee which had passed resolutions on this subject. According to his recollection, the Committee had made no report of the kind stated by the hon. Member for the King’s County (Mr. Hennessy). He could only attribute the statement of the hon. Member to the fact that he had but rarely attended the Committee, and knew but little of its proceedings. The argument of the hon. Member, therefore, went for nothing, as it was founded upon error. For himself, he felt bound to say that the statement made by the right hon. Baronet appeared, upon the whole, most

satisfactory, and he considered important reasons had been given why the police might be safely employed in carrying out the work of registration of births and deaths, and why they would do it efficiently. There was no reason to fear that it would entail any unpopularity upon them. He was in Ireland when the police were employed in taking the Census, and was able to bear favourable testimony to the manner in which they had performed that duty, although at first it was feared that they might be objectionable agents. The right hon. Baronet had also proved satisfactorily that registration could be much more inexpensively conducted by the police than by any other system, and that was an important circumstance. He agreed with the right hon. Baronet that the distances to be traversed would render it impossible for the medical officers satisfactorily to attend to the registry without neglecting their other duties, while the clergy were fully occupied in their more important work. He was therefore, upon the whole, satisfied with the proposed measure, and thought it might be made, with some few Amendments, extremely useful and beneficial to Ireland.

MR. VINCENT SCULLY said, he approved of the period of the Session and of the evening on which the Bill was introduced, but in other respects he saw little to recommend it. The hon. Member for the King’s County had been corrected as to the Report of the Committee. Perhaps he (Mr. Vincent Scully) should also be set right as to his impression on the subject. But as he had moved for the Select Committee, and presided at its sittings, which, he regretted to say, were not very frequently attended by the hon. Member (Mr. Hennessy), he might be permitted to say he understood the conclusion of the Committee to be that marriages ought to be registered through the clergy of the respective denominations; but as to births and deaths, the Committee were unable to make any satisfactory report, and the matter was adjourned for further consideration. In his view, the constabulary were the worst body that could be selected for the purpose. He did not wonder that the right hon. Baronet should feel an hereditary attachment to the “Peelers” of Ireland, but he thought that any one who would take the trouble to read the evidence given before the Committee, especially that of Mr. H. Brownrigg, would come to the conclusion that that body

should not be allowed to register the births. Any one could register the deaths. The main difficulty the Committee had to deal with was how best to get a proper registration of births, and especially of the illegitimate births, of which there were from 20,000 to 30,000 in the course of the year. He thought that to intrust the inquiry into that subject to a number of perhaps juvenile policemen would be neither conducive to the peace of families, nor to the good of the men themselves. At least, he thought the proposal would be revolting to the House, as it was to his own feelings. He would infinitely prefer in place of the present Bill the measure introduced by the late Secretary for Ireland, who proposed that this registration should be effected through the Boards of Guardians. His own opinion was, however, that the best persons you could employ to register the births and deaths were those who now married and baptized—namely, the clergy of the different denominations.

MR. GEORGE said, he could not but compliment the right hon. Baronet upon the very clear and distinct explanation he had given of the provisions of the Bill; but, at the same time, he must express the great disappointment he had felt upon finding that it dealt with births and deaths only, and not with marriages. A large proportion of the time of the Committee last year was occupied in considering how the registration of marriages should be effected, and there could be no question about the desirability of introducing a system which should include these three classes. With regard to the machinery for registering births and deaths, the choice seemed to lie between the constabulary and the medical men. But he did not think the latter plan would work, as the medical men were already too much engaged in duties of a far more important character—attending the sick poor. He thought no more convenient mode could be adopted than that suggested by the Bill, but it was open to constitutional objections of a serious character. If power was given to the police to enter every house for the purpose of making the necessary inquiries, it was impossible to prevent their becoming acquainted with other matters than the mere subject-matter of their inquiries; and as they were always the principal agents in the detection and witnesses in the prevention of crime, the knowledge they obtained under the cover of the law would frequently be used by

them in the evidence they gave, and that alone would not only lessen the value of their evidence, but render them still more unpopular than they were at present. He therefore hoped the scheme would be reconsidered. The proposal to pay for the labour so performed out of the county cess or the poor rate was one that should be well considered, for it would tend to make the Poor Law very unpopular. A similar objection, though not perhaps so strongly, would apply to the use of the county cess for such a purpose. They were already overcharged; and the best fund, in his opinion, upon which to throw the charge would be the Consolidated Fund.

MR. LONGFIELD said, he also wished to compliment the right hon. Gentleman for the lucid statement in which he had introduced the Bill. He would also congratulate the House, and especially the Irish Members, that from the period of the Session at which the Bill had been introduced, they had a prospect of obtaining some useful legislation on a question of much importance. He accepted the measure as an instalment, and though he would have liked to see the registration of marriages included in it, he was not disappointed that the right hon. Baronet had not attempted hastily to deal with so difficult a subject. He thought the clergymen of all denominations should have been intrusted with the work of registration rather than the police; but that was a detail into which he would not then enter.

LORD FERMOY said, he thought that Ireland would never be put on an equality with England in this matter until it had a measure for the registration of marriages, as well of births and deaths. No measure would be satisfactory that did not include such a registration. There were difficulties in the way of a registration of marriages, but they might be got over by cordial co-operation with the clergy. The late Sir Robert Peel had generally three courses before him. The right hon. Gentleman had six, and he must say that of the six he had chosen the worst. He did not mean to say that the right hon. Gentleman did not desire to select the best, but, unfortunately, he adopted the worst. Nothing could be more objectionable or more offensive to the people of Ireland, and especially to the poorer classes, than to employ the constabulary for working the measure. He did not think there was any use in persevering with a measure of that kind.

*Mr. Vincent Scully*



The proper parties to register births and deaths were the clergy of all denominations. Next to them the medical officers were the best, and it appeared to him to be a gross act of injustice to that excellent and ill-paid class of men to pass them over on that occasion. In effect the selection of the police in preference to them amounted to a censure upon them. He did not believe the measure as it stood would be at all acceptable to the people of Ireland.

Mr. M<sup>rs</sup> MAHON said, he also was of opinion that the measure should be accompanied by a registration of marriages. As regarded the succession to property, a registration of births and deaths without a registration of marriages would be useless. The only other use of a registration of births and deaths was as a means of numbering the people and collecting statistics. But if that was the object in view, the expense should not be thrown on the county cess, but on the Consolidated Fund. The police of Ireland were, he admitted, ill paid, but their pay should be increased in some other way than by employing them in registering births and deaths in Ireland. He would advise the right hon. Gentleman to withdraw the Bill, and to introduce a Bill for the registration of births, deaths, and marriages.

Mr. POLLARD - URQUHART said, that the police of Ireland had now little to do, and he thought they might usefully be employed in the way proposed by the Bill of the right hon. Gentleman. He did not think the employment of the constabulary would be so objectionable to the people of Ireland. He would not pledge himself to support all the details of the Bill; but he could not withhold from the right hon. Baronet the expression of his thanks for the early attention he had given to Irish legislation.

SIR ROBERT PEEL, in reply, said, he could assure hon. Members that he did not intend to cast any slight upon the medical officers. His opinion simply was, that they could not discharge the duties so efficiently and so economically as the police. Indeed, from the immense area they had to go over, he doubted if the medical officers could do the work at all. As to the Irish constabulary, he was not wedded, personally, to the institution; but he believed it had done a great deal of good to the country. It had discharged its duties with great ability, and with very advantageous results. As to the charge thrown on the county cess, it was proposed

that 6*d.* should be paid out of it for each entry of birth, or death, and 2*d.* to the Superintendent Registrar's office; but this payment of 2*d.* would come out of the Consolidated Fund. The charge on the county cess, though it bore entirely on the occupiers, would not entail any greater burden on the cesspayer than if the charge had been made on the poor rate, which was divided between the landlord and tenant. By the poor rate scheme the charge would have been 1*s.*, so divided; and the present plan left only the charge of 6*d.* on the tenant. He had hoped to have been able to introduce a Bill for the Registration of Marriages with the present measure; but he believed the Government had now arrived at a successful conclusion on the subject, and he trusted during this Session to propose a Bill that would secure the entire assent and approval of the clergy of all denominations in Ireland. The subject could be better dealt with by separate Bills.

Leave given.

Bill *ordered* to be brought in by Sir ROBERT PEEL and Mr. CLIVE.

Bill *presented*, and read 1<sup>o</sup>.

#### UNITED STATES—BLOCKADE OF THE SOUTHERN PORTS.

##### RETURNS MOVED FOR.

THE O'DONOGHUE said, he rose to move an Address for Returns relative to the number of vessels that had, during the past six months, broken, or attempted to break the blockade of the Southern ports of America. He hoped Her Majesty's Government would see the propriety of laying those Returns on the table. Unless they were produced, it would be impossible to discuss fully many questions likely to arise in the present unfortunate position of affairs in America. The production of the Returns would go a long way towards enabling them to form an accurate opinion on such questions as the efficiency or non-efficiency of the blockade of the Southern ports, and whether the Government had endeavoured to carry out that policy of neutrality to which it was pledged both by Her Majesty's Proclamation and its own declarations. It was an imperative duty of the Government to furnish the most reliable evidence on all these points. It had been frequently stated that the blockade was ineffective, and that therefore an English fleet ought to be despatched to break it; and an hon. Member had given

notice of his intention to move a Resolution declaring that the blockade was merely a paper one. Of course to force the blockade meant war with America, and consequently, if such a Resolution were to pass, it would be tantamount to a declaration of war. But he believed that the House was not now in a position to discuss that question, or to adopt such a Resolution; and therefore he asked from the Government the fullest information. As far as the House and the country were informed, there seemed to be no justification for calling the blockade a paper one. On the contrary, the distress which had been occasioned in Lancashire and in Lyons by the dearth of cotton seemed to show that the blockade was most effective. If it were true that the planters, acting under the orders of Mr. Jefferson Davis's Government, refused to sell, in the expectation of forcing the Government of this country to come to the assistance of the Southern States, he hoped no person in that House would consider himself bound to support a policy so selfish, and that the wrath of distressed operatives and sympathizing protectionists would not be directed against the Federal Government. No doubt numbers of vessels had run the blockade, but he submitted that the inference from that was, not that the blockade ought no longer to be recognised, but that the American Government had been unable to accomplish an impossibility—namely, the hermetically sealing of 3,000 miles of coast. The Returns for which he asked referred exclusively to British vessels, and that chiefly for this reason, that according to the statements which had appeared in the newspapers, especially in *The Times*, it was only British vessels which had run the blockade. No doubt the enterprise of British sailors was to be applauded, but it ought not to be permitted that a spirit emanating from purely selfish motives should set at defiance the policy of neutrality to which Her Majesty's Government had pledged the country. It was notorious that many persons in this country were anxious that the Southern States should be recognised, and imagined that if they could show that the blockade had not been altogether perfect, they could obtain such recognition; but he maintained that the Government could not, without a forfeiture of their consistency and dignity, listen to persons who, having set at defiance the Queen's Proclamation, and run the blockade with vessels laden with munitions of

war, adduced this fact as a proof that the blockade was ineffective, and asked the Government to recognise the Southern States, to force the blockade, and, if need were, to declare war against the United States. In the year 1848 measures were adopted to prevent a vessel fitted out for the assistance of the Sicilian Parliament from reaching its destination; but although the attention of the Government had been most publicly called to the fact that vessels were loading in English ports with munitions of war for the Southern States, no steps had been taken to prevent them accomplishing their voyages. An allusion, in a recent letter of Earl Russell's, to what had occurred at the port of Nassau, confirmed a report that vessels notoriously destined for the Southern States, and laden with articles contraband of war, had been permitted by the authorities to enter that port, to refit, and to receive supplies of coal and other necessities; but if that had occurred, while at the same time vessels belonging to the United States had been refused the necessary supplies, surely the authorities at Nassau deserved some more direct censure than that contained in the letter of the noble Earl. He hoped that the Government would give these papers, and, by doing so, would show their anxiety to afford the fullest possible information, and to maintain friendly relations with the great republic of America. The hon. Member concluded by moving—

“That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Return of the number of British Vessels, with the names, as far as can be ascertained, of their Captains and Owners respectively, that have succeeded, within the past six months, in running the Blockade of the Southern Ports of America:

“Similar Return as to the British Vessels that have been captured or destroyed in the attempt to break the Blockade:

“And, Return of the number and description of British Vessels, if any, that have put into the Port of Nassau, N. P., and other Colonial Ports, laden with articles contraband of war, and with supplies for the Confederate States, and that have been permitted to refit and supply themselves with stores by the authorities in those places, in contravention of the Queen's Proclamation, and of the neutrality which it is the expressed desire of Her Majesty's Government to uphold.”

Question proposed.

Mr. LAYARD said, he regretted he was unable to give the papers asked for by the hon. Member. He did not think it at all desirable to enter into a discussion of the subject of the blockade that evening, seeing that notice of a Motion had been given



which would bring the whole matter fully before the House in a few days. He regretted the Motion had been made, when on the next day, or Tuesday at the latest, the whole of the papers on the blockade would be laid upon the table of the House. He must decline to give this particular return, however, for two reasons. The first was, the Government had not the information asked for; and the second, if they had, they would not feel justified in giving it; for it was hardly to be expected that the Government would lay on the table a list of wrong-doers who had broken the blockade, and he was sure the hon. Gentleman would be the last person to wish them to do so. All the information the Government could give would be given in the papers which would be laid on the table immediately. He trusted his reply would be satisfactory to the hon. Member.

THE SOLICITOR GENERAL: Sir, I think it desirable that a few words should be said to correct a total misapprehension of a matter of law into which the hon. Gentleman opposite (The O'Donoghue) has fallen. He implies, by the terms of his notice of Motion, and has more distinctly stated in his speech, that all masters of British merchant vessels who may have run the blockade with articles contraband of war on board have been guilty of illegal acts, in violation of Her Majesty's Proclamation, which the Government of this country, having their intention called to them, ought to have interfered to prevent, but had not done so. He has also suggested that the authorities of the port of Nassau were subject to serious blame for having permitted ships under similar circumstances to call at that port and to take in supplies, and to have the benefit of calling and remaining there when they had on board articles contraband of war, which the hon. Gentleman seemed to suppose that Her Majesty's Proclamation had made it illegal for them to have on board, and which, therefore, they could not be permitted to carry without a violation of neutrality. In all these respects the hon. Gentleman has totally misunderstood the effect of the Proclamation and the law. This country is governed by law, and except as far as Her Majesty's Government have powers by law to control the action of private British subjects, whether masters of ships or others, of course they are perfectly powerless in the matter. The only law

which enables Her Majesty's Government to interfere in such cases is the Act commonly called the Foreign Enlistment Act, and the whole nature and scope of that Act is sufficiently and shortly set out in the title. It is—

“An Act to prevent the enlisting and engagement of Her Majesty's subjects to serve in foreign service, and the fitting out or equipping in Her Majesty's dominions vessels for warlike purposes without Her Majesty's licence.”

That Act does not touch in any way whatever private merchant vessels, which may carry cargoes, contraband or not contraband, between this country or any of the dominions of Her Majesty and any port in a belligerent country, whether under blockade or not, and the Government of this country, and the Governments of our colonial possessions, have no power whatever to interfere with private vessels under such circumstances. It is perfectly true, that in the Queen's Proclamation there is a general warning at the end, addressed to all the Queen's subjects, that they are not, either in violation of their duty to the Queen as subjects of a neutral Sovereign, or in violation and contravention of the law of nations, to do various things, one of which is carrying articles considered and deemed to be contraband of war, according to law or the modern usages of nations, for the use or service of either of the contending parties. That warning is addressed to them to apprise them, that if they do these things, they will have to undergo the penal consequences by the statute or by the law of nations in that behalf imposed or denounced. In those cases in which the statute is silent the Government are powerless, and the law of nations comes in. The law of nations exposes such persons to have their ships seized and their goods taken and subjected to confiscation, and it further deprives them of the right to look to the Government of their own country for any protection. And this principle of non-interference in things which the law does not enable the Government to deal with, so far from being a violation of the duty of neutrality—which the Government are sincerely anxious to comply with—is in accordance with all the principles which have been laid down by jurists, and more especially by the great jurists of the United States of America. In order that the hon. Gentleman may understand exactly how the case stands, I may be permitted to read a short passage from one

of the works of these writers. Wheaton, who, as everybody knows, has written one of the most valuable treatises on the subject that were ever composed, says—

“It is not the practice of nations to undertake to prohibit their own subjects, by previous laws, from trafficking in articles contraband of war. Such trade is carried on at the risk of those engaged in it, under the liabilities and penalties prescribed by the law of nations, or particular treaties.”

Wheaton then goes on to justify the conduct of the United States for not interfering to prevent the supply of arms to Texas, then at war with Mexico, and says—

“The Government was not bound to prevent it, and could not have prevented it without a manifest departure from the principle of neutrality, and is in no way answerable for the consequences.”

Chancellor Kent in his hardly less admirable work says—

“It is a general understanding that the Powers at war may seize and confiscate all contraband goods, without any complaint on the part of the neutral merchant, and without any imputation of a breach of neutrality in the neutral Sovereign himself. It was contended, on the part of the French nation in 1796, that neutral Governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent Powers. But it was successfully shown, on the part of the United States, that neutrals may lawfully sell at home to a belligerent purchaser, or carry, themselves, to the belligerent Powers contraband articles, subject to the right of seizure *in transitu*. This right has since been explicitly declared by the judicial authorities of this country. The right of the neutral to transport, and of the hostile Power to seize, are conflicting rights, and neither party can charge the other with a criminal act.”

I think, therefore, the House will see very clearly that the Government at home and the colonial authorities at Nassau have taken the only course which it was possible to take consistently with the law of the land—which they were bound in any case to follow—or with the rules established by the law of nations as recognised by the United States themselves.

THE O'DONOGHUE said, he should be sorry to press for the return in opposition to the wishes of the Government. It was evident, however, that the hon. and learned Gentleman who had last spoken, and the hon. Gentleman the Under Secretary of State for Foreign Affairs, were not quite of one mind. In opposition to the law, as stated by the hon. and learned Solicitor General, the hon. Under Secretary for Foreign Affairs had alleged, as one reason

*The Solicitor General*

for refusing the return, that it would, in fact, be a list of guilty criminals.

MR. LINDSAY said, he hoped that if any British vessels had, as a matter of fact, been destroyed or captured while endeavouring to break the blockade a statement of the circumstances would be given to the House.

MR. LAYARD was understood to state that some particulars of the nature referred to would be included in the papers promised by the Government.

Motion, by leave, *withdrawn*.

House adjourned at half  
after Eight o'clock.

## HOUSE OF LORDS,

Friday, February 21, 1862.

### VOLUNTEERS—PROPOSED FIELD DAY AT BRIGHTON.—QUESTION.

LORD TRURO rose to put a Question to Her Majesty's Government which, he said, he had fixed for Monday last, but which he had then postponed in consequence of an application which had been made to the Government by a noble Lord in reference to the proposed Volunteer review at Brighton on Easter Monday next. He had pursued that course in the hope that the noble Lord to whom he referred would receive some reply to his application; but he was sorry to say that up to that moment none had been vouchsafed. Before he put his Question he wished to make a few remarks in relation to the general subject of the Volunteer Force, and more especially in regard to what had occurred last year at Brighton. In the first place, he wished to observe, that although the subject might not be a matter of high interest to their Lordships, it was one of great importance and of very serious interest to the public out of doors, but more particularly to the Volunteers themselves. Having some reason to apprehend, whether rightly or wrongly, that the Government was about to depart from that system of non-interference with the Volunteer movement which they had hitherto so wisely maintained, he had ventured to put his Question on the paper with the view of eliciting from them, if possible, whether or not they proposed



to adhere henceforward to that system. He need not say it was well known that there existed from the first a feeling—he would not say of jealousy, but of rivalry, between two noble Lords, each of whom aspired to be the leader of this movement. That rivalry had, he believed, existed without any strong *animus*; and, indeed, had it been otherwise, he should not have felt it right to allude to it at all; and if, in the course of the remarks he was about to make, he should have occasion to mention the names of those two noble Lords, he should do so without transgressing the proprieties of their Lordships' House. At the commencement of the movement the commanders of metropolitan corps held a meeting and passed resolutions in relation to field-days of their own corps in the neighbourhood of the metropolis and several other subjects; and it so happened, that although the metropolitan commanders occupied no representative position in regard to the Volunteer movement throughout the country generally, yet, from the fact that they were for the most part men of high position and influence, and living in immediate proximity to the public Departments, those resolutions unquestionably met with a considerable amount of consideration from the general Volunteer body throughout the kingdom, and acquired greater importance than the Government appeared to imagine. Last year, Lord Ranelagh, in consequence of applications that had been made to him, asked to be permitted to have a Volunteer field-day at Brighton. He (Lord Truro) believed that the authorities at the War Office and at the Horse Guards at first thought it doubtful whether they ought to accede to that application; but, acting with that considerate spirit which had always marked their conduct towards the Volunteers, they acceded to the request, and General Scarlett was appointed as the inspecting officer on the part of the Government upon that occasion. By the course they then adopted the authorities conceded the principle that the Volunteers themselves should be allowed to have the nomination of the commander on review days. A belief, however, prevailed, not only that that sanction was unwillingly given, but that the Government expected that the review itself would be an eminent failure. On the contrary, however, it turned out to be an eminent success; and, seeing the steps that had since been taken,

there was some reason to apprehend that the alteration which it was understood was contemplated, was owing to that success. It had been frequently urged that a Volunteer force could not be handled with efficiency upon occasions of great field-days unless a military man was placed in command. The object of placing a military man in command was, it must be presumed, to give the Volunteers the best possible instruction; but he could not help thinking that the best mode of ensuring that instruction was to intrust the Volunteer commanders with the management of those large operations. One of the most valuable means of instruction was practice—without practice theory and study were useless. He had also heard it stated that it would be inexpedient that the Volunteer officers should attain to that amount of military capacity which, if they should happen to be factious citizens, would give them the power of rallying large bodies of Volunteers to their standards in troublous times, and thereby endangering the public safety. Such an argument as that was perfectly absurd. Under the present regulations there was no power of taking a Volunteer force out of one county into another without the consent of the Lords Lieutenants of both counties being obtained; and not only that, but it could not be assembled at all without the sanction of the War Office. Hitherto there had existed between the Volunteers and the Government a spirit of subordination and respect on the one side, and, on the other, an earnest desire to promote the welfare of the force; but the Volunteers and the gentlemen of England especially, who were devoting their time and energy to bring the force to perfection, now pressed on the Government the necessity of giving them every opportunity of perfecting themselves in the higher branches of military knowledge, so that, if called upon hereafter, they might be able to take a prominent part in the military defence of the country. It had been said that it was necessary to have military men of great experience to move large bodies of Volunteers. But at the present moment there were not twelve officers in this country who had ever commanded 5,000 men. Supposing that an extraordinary emergency—such as an invasion—were suddenly to occur, and some 500,000 or 600,000 Volunteers, with the Militia, were called out, where would the

Government be able to lay its hands on officers capable of taking command of large bodies of men? It was, therefore, of the greatest consequence that the Government should give the Volunteer officers every opportunity of practising their duties on a large scale. It was rumoured that the Government, in order to extricate themselves from a position of some difficulty—for it was well known that they were unwilling to run counter to the wish of the Volunteers who had asked permission to go to Brighton for the purpose of holding a field-day—it was rumoured that they had invited the greatest commander of the day, as he (Lord Truro) believed he might call him, to take the command upon that occasion. Now, he was persuaded that there was no man who proposed to take part in that review that would not feel it an honour to act under that noble Lord (Lord Clyde). But he confessed that it was with regret he saw that the noble Lord had allowed himself in that case to be made an instrument in the hands of the Government for the purpose of enabling them to get out of an unpleasant position. That was a politic move; but he thought the reiterated expression of the wishes of the Volunteer force would induce the Government eventually to depart from the course on which it seemed disposed to enter—namely, to refuse, on all future occasions, large commands to Volunteer officers. He much feared—indeed, he had always had some apprehension—that as this force grew to perfection, and as it developed itself and became both important and powerful, the authorities would draw a somewhat tighter hand over its movements and the commands which might be held; and he confessed, that if the rumour that had been circulated was true, that Government had appointed an officer to take the command at Brighton, the time would come when Volunteer officers would be refused not only the honour of commanding on field-days, but would have brigadiers put over them and be denied the command even of brigades. If that were so, the Volunteer Officers would have just reason to complain. It might be that the Volunteer officers were thought to be too ambitious; but if it were so, it was a quality which rather entitled them to approbation. He had intended to have said more upon this subject, but he had only just come from a meeting of Volunteer officers, and therefore he felt that he was not able to do full justice to it. He had every

*Lord Truro*

reason to thank their Lordships for the consideration which they had shown him, and he sincerely hoped that Her Majesty's Government would not, by appointing Lord Clyde to command on the occasion at Brighton, make it a precedent for excluding the Volunteer commanders at once and for ever from the only means by which they could obtain that instruction which they had looked forward to. There was another subject to which he desired to advert. It was this:—That the meeting of metropolitan Volunteer officers which took place subsequent to the review at Brighton was not a meeting which in any degree expressed the general feeling of the body. At that meeting Lord Elcho came down and proposed to the metropolitan commanders a resolution that in future no commander should hold field commands who was not a military officer. Now, he (Lord Truro) confessed that he was one of those who heard that resolution with great regret, for at a previous meeting held in 1860 nearly the whole of the metropolitan officers, to the number of twenty-eight, unanimously passed a resolution that a Volunteer commander should have the command on field-days. Now, it so happened, that notwithstanding the success of the meeting at Brighton, Lord Elcho came down to the meeting he had referred to and carried a Resolution that in future on field-days no Volunteer officer should take command; and there was no doubt that that resolution was drawn with the sanction and the knowledge of the Under Secretary for War. [Earl DE GREY AND RIFON expressed dissent.] He (Lord Truro) believed he was warranted in saying that the Minister of War saw the resolution, and he believed it was in consequence of that resolution that subsequently a memorandum was issued to the effect that in future they would be debarred the privilege which they had hitherto enjoyed. He believed he was expressing the sentiments of the whole force when he said that Lord Ranelagh was a man who had from the beginning—and he might observe that he had not by any means always acted with him—given what advice and assistance he could to the authorities, and that he had displayed an honest zeal, and had throughout discovered an unselfishness, which had done him honour, and which was felt throughout the Volunteer force, and especially that part of it—to the number of no less than sixty commanders—who wrote to him for the



purpose of inviting him to do what he could towards obtaining another field-day at Brighton; and they would deeply regret the slight, for he could call it nothing less, that had been put upon him. He would again say that he had never been a partisan of Lord Ranelagh—indeed, it was supposed last year that he was inimical to him. He had never taken part on one side or the other, and he thought no man in the country had worked more honestly and more zealously for the development of the movement to which in future, beyond all question, the nation must look for a great part of its defence, than had Lord Ranelagh. The question he wished to ask was, Whether any application has been made to the Minister for War in relation to the command on the proposed field-day of Volunteers at Brighton on Easter Monday next; and, if so, if they are willing to state the determination at which they have arrived?

EARL DE GREY AND RIPON: I am glad that the noble Lord by his Question has enabled me to state to your Lordships the views and intentions of my right hon. Friend the Secretary of State for War upon a matter on which there appears to exist in the mind of the noble Lord and of many other persons a considerable amount of misapprehension. I do not intend to follow the noble Lord into those private and personal matters into which he has to some extent entered. I regret that the noble Lord should have alluded to gentlemen not in this House, and who, therefore, cannot reply to the remarks which he has made. I am not in a position to give any explanation as to the charge which the noble Lord has made with respect to Lord Elcho's resolution. It is, however, impossible that that resolution could have been submitted to me as Under Secretary of State for War before it was moved, because I at that time had not the honour of being connected with the War Office. With respect to the real question before your Lordships, it is necessary, in order to make the matter intelligible to those of your Lordships who have not followed the details of Volunteer matters, that I should explain the rules which have been acted upon by the War Office in dealing with assemblies of several corps of Volunteers. These assemblies are divided into two classes—namely, those which do not exceed in amount the strength of a brigade, say of 2,000 men, and, secondly, those which go

beyond that strength. With regard to the first, or brigade field-days, the regulation which has been in force since June, 1860, which remains in force, and of which my right hon. Friend the Secretary of State for War fully approves, provides that when the necessary sanction of the Lord Lieutenant of the County, and of the Secretary of State, has been obtained for the meeting, the senior Volunteer officer present shall take the command. With respect to the other and more rare cases of meetings which bring together large masses of Volunteers, the provisions of the Regulations are different. The regulation which applies to these lays down that the Volunteers who desire the meeting should first—as of course is necessary, looking to the constitutional position of Lords Lieutenant—apply to the Lord Lieutenant of the county where the meeting is to be held, for his approval. If the Lord Lieutenant approves, the application is forwarded by him to the Secretary of State; and when his sanction has been obtained, the corps which desire to attend send in their names to their respective Lords Lieutenant. When the Secretary of State is acquainted with the number of corps to be present, and the arrangements which it is intended to make for the field-day, he then appoints an officer to take the command. With regard to this particular case, in answer to the first portion of the noble Lord's inquiry, I have to state that no strictly official application of the kind to which I have alluded has, up to this time, been received. No official application has been made by the Lord Lieutenant of Sussex to my right hon. Friend the Secretary of State for War with regard to this matter. But I believe the noble Earl the Lord Lieutenant of Sussex has this day—in fact, within these few hours—received an official application from Lord Ranelagh for permission to hold the field-day. The noble Lord states that Lord Ranelagh applied some time back to the Secretary of State for permission to have a field day at Brighton, and that he has received no answer. It is true that a letter was received from Lord Ranelagh some time ago stating that he was in communication with the Lord Lieutenant of Sussex, with regard to an intended field-day at Brighton, and asking the Secretary of State whether he would give his sanction for that field-day, permitting it to be carried out under the same arrangements as last year. To that letter an

answer was sent from the War Office some days ago, informing Lord Ranelagh that the Secretary of State was not in a position to give him an official answer to the inquiry until he knew whether the intended review met the approval of the Lord Lieutenant of Sussex. That, your Lordships will consider, I am confident, was the only answer which at that time could be given. There was not the slightest delay in sending the answer, which concluded with an assurance that as soon as the Lord Lieutenant communicated with the War Office, Lord Ranelagh should be informed of the determination come to. With regard to the question as to the officer to be appointed to the command on this occasion, your Lordships will see that that turns of course, to a certain extent, upon the number of Volunteers that may assemble. If the assembly should turn out to be only a brigade meeting, according to the ordinary rule the senior Volunteer officer present will take command. I can assure my noble Friend that there is not the slightest intention to depart from the practice which has hitherto obtained on this subject. But if, as I believe will be the case, the metropolitan Volunteers and others take advantage of the convenient opportunity of Easter Monday to hold in the neighbourhood of Brighton a large gathering to a number perhaps between 10,000 and 20,000 men, then the noble Lord has been rightly informed by the public journals that it is the intention of my right hon. Friend the Secretary of State to appoint Lord Clyde to take command on that day. That distinguished officer, who has always shown the deepest interest in the Volunteer movement, has been selected for various reasons. Amongst others for this:—In the year 1860 the Volunteers were honoured by being reviewed in large numbers in Hyde Park by Her Majesty. No such review took place last year; and, of course, under the melancholy circumstances of Her Majesty's present affliction, no such review can take place this year. The Brighton gathering, then, is likely to be the greatest Volunteer meeting of the year. My right hon. Friend therefore thought it his duty to take those measures which seemed to him most likely to promote the efficiency of the Volunteers, and give them the best possible means of instruction; and that he could not appoint a better man than Lord Clyde. I must say that it appears to me to

*Earl De Grey and Ripon*

be inconceivable that there should be any Volunteer in this country who could imagine for a moment that any slight was put upon him in being requested to serve under so distinguished a general as Lord Clyde. The noble Lord who put these questions says that, in taking this course, my right hon. Friend the Secretary of State has departed from all previous practice. This, however, is an error. Since the first establishment of the Volunteers there have been held twenty-five great Volunteer gatherings, bringing together a larger number than would constitute the strength of a brigade. In only three of these cases has the command been taken by Volunteer officers. The course now taken is not, therefore, inconsistent with precedent, and the War Office has merely followed the rule acted upon in the vast majority of instances. The noble Lord says, that the great object in view at these meetings is that the Volunteers present should receive as much instruction as possible. No doubt of it. But are they not more likely to receive efficient instruction in military manœuvres, and in the probable movements of masses of troops assembled for actual service, if they are placed under the command of Generals who have had experience in the field of the movement of large bodies, instead of that of men who, however zealous and able, have to learn their business as they go along? The doctrine of the noble Lord is that Volunteers are to command on these occasions in order that they may learn how to command hereafter. But the rank and file will receive more benefit if they are commanded by a distinguished officer like Lord Clyde. It is certain that there is only one person who will not receive the practical instruction of which the noble Lord talks under the arrangement of the Secretary for War. The brigades will be commanded by Volunteer officers, under Lord Clyde, so that the brigadiers will have the best means of instruction; and thus only the single position of commanding officer will be in the least affected by the arrangement. I venture to think that the act of the Secretary of State will be in accordance with the universal judgment of your Lordships' House, and that it will recommend itself also to the approbation of the volunteers themselves. My right hon. Friend has taken this course solely from a desire to promote to the utmost the efficiency of this most valuable force. I can assure the noble Lord that nothing was further from the intention of my noble Friend than to



cast any slight upon Lord Ranelagh. I admit the services which have been rendered by Lord Ranelagh to the volunteer movement; I am quite ready to acknowledge the ability with which he has raised and organized his own regiment; and I trust that he will not slacken his zeal or diminish the importance of his services by conceiving that any slight can be intended to be put upon him when he is asked to serve under the gallant officer who has been appointed to command at Brighton.

LORD TRURO in explanation said, that he had, in conversation with Lord Elcho, told him what he was going to say, and he undoubtedly understood his noble Friend to say that the Under Secretary of State for War had looked over the Resolution referred to.

VISCOUNT HARDINGE said, he believed the answer just given by the noble Earl the Under Secretary for War would be perfectly satisfactory to the great body of Volunteers; and he would venture to say that every Volunteer would take especial pride in serving under the distinguished officer who had been appointed to command on Easter Monday. Further than this, in spite of what had fallen from the noble Baron, he ventured to think that the Volunteers, generally, were proud of serving under military men. Everybody acquainted with military affairs knew the difficulty of handling large bodies of troops, and the Government, he thought, did quite right to give the Volunteers on these occasions the best men they could find as commanders. The noble Earl said that in three instances only out of twenty-five had large bodies of Volunteers been commanded by Volunteer officers; that proved that military men were generally popular as commanders of the Volunteer force. In the county of Kent last year several thousand Volunteers were assembled, and not only was the commanding officer a military man, but every staff officer was a military man, and no complaint was made on this head by any Volunteer officer or private. As to the charge of the Government interfering with the Volunteers, that could not be so; for the War Office merely applied to the Horse Guards for a commanding officer, and the Horse Guards assented; so that the Volunteers were no more under the control of the Horse Guards than the disembodied Militia were. He saw no reason why Volunteer officers should rehearse, at the expense of their men, parts which they would never be

called upon to perform in case of invasion. Upon such an emergency Volunteers would not be likely to be employed as a separate *corps d'armée* under the command of a Volunteer General. He believed the question had arisen from the doubtful wording of the Regulation. He was glad to hear that the War Office intended to adhere to the plan which had been hitherto followed; and as to the Regulation, he would suggest, with a view to prevent future misapprehension, that the word "military" should be inserted in connection with the word "officer" in the Volunteer Regulations; there would then be no doubt about the matter, and this would set at rest a question which was only the medium of throwing the apple of discord, and creating jealousy and bickering among Volunteer officers. Volunteers should bear in mind that they are auxiliaries to the army of the line, and that if their services were ever required in the field, they would be brigaded with the line and the militia.

#### CRIME AND OUTRAGE (IRELAND) ACT —POLICE STATION AT CLOONMORRIS.

##### QUESTIONS.

THE EARL OF LEITRIM asked Her Majesty's Government, How the pay of the police and the rent or other expenses of the Police Station recently appointed at Cloonmorris in the county of Leitrim, and bordering on the county of Longford, are to be charged: If the amount is to be paid out of the Consolidated Fund or by the counties of Longford and Leitrim equally, or either of those counties wholly or in part, or by the district to which it has been found necessary to appoint additional police; or if any part of the expense is to be repaid by any particular individual: Also, if it is the intention of the Lord Lieutenant of Ireland to proclaim the district to which the additional police have been recently appointed, either under the provisions of the 6 & 7 *Will. IV.* c. 13, or under the provisions of "The Crime and Outrage (Ireland) Act," so that the district where recent outrages have rendered it necessary to appoint additional police shall be made to pay the expenses necessary for the due preservation of the peace, in accordance with the Intention of the Legislature?

EARL GRANVILLE begged to state, in answer to the noble Earl's questions, that no charge would be thrown either on the district, the county, or any individual in

consequence of the police-station recently appointed at Cloonmorris. The police force there was composed of men some from one district, some from another. No additional appointment had been made, and the only expense incurred was for the hire of accommodation for the police, which would be charged to the Consolidated Fund. With reference to the state of crime in the barony, it appeared, so far as could be made out on investigation, that the murder which had taken place was not of an agrarian character, having been committed by a navvy who had been discharged by one of the railway contractors in the neighbourhood. It was satisfactory to know that the police reports received gave very satisfactory evidence of the diminution of crime in that part of the country.

#### OUTRAGE AT SKREENY, COUNTY OF LEITRIM.

THE EARL OF LEITRIM *moved* for a Copy of the Memorial of the widow, Mary Roarke, of Skreeny, in the county of Leitrim, to his Excellency The Earl of Carlisle, Lord Lieutenant of Ireland, dated July, 1861; praying that her Informations might be received against certain persons who cruelly beat her when in a State of pregnancy, and thereby endangered her life, she having omitted previously to tender her Informations pending the Trial of the same Persons for the Murder of her Husband, Patrick Roarke; also for the reply of His Excellency The Lord Lieutenant of Ireland to that Memorial, dated the 1st day of August, 1861.

EARL GRANVILLE doubted, whether it was necessary to put the public to the expense of printing these papers, but at the same time the proper administration of justice was so delicate a matter that he should not oppose the motion of the noble Earl.

*Motion agreed to.*

#### TAXING-MASTERS IN IRELAND.

THE MARQUESS OF CLANRICARDE *moved*, for a Return of the Proceedings in the Offices of the Taxing Masters of the Irish Court of Chancery for the Year ending the 1st November, 1860, in the following tabular form analogous to that of the Judicial Statistics for the same Year. [*The Form is then given.*] It had been announced elsewhere that a

*Earl Granville*

third taxing-master was to be permanently appointed in the Irish Court of Chancery. Such an appointment would be neither more nor less than a gross job. The average amount of costs taxed by each taxing-master of the English Court of Chancery was £112,180. The average of costs taxed by each taxing-master of the Irish Court of Chancery, in years of extraordinary pressure, was £64,260. If, therefore, the total costs of the Irish Court of Chancery were taxed by two instead of three officers, the average work for each would be £96,390 only, against £112,180 for each taxing-master of the English Court.

*Motion agreed to.*

House adjourned at a quarter before  
Seven o'clock, to Monday  
next, Eleven o'clock.

#### HOUSE OF COMMONS,

*Friday, February 21, 1862.*

MINUTES.] PUBLIC BILLS.—2<sup>o</sup> Markets and Fairs (Ireland); Poor Relief (Ireland) (No. 2).

#### REMOVAL OF TOLL GATES.—QUESTION.

MR. WHITE said, he would beg to ask the Secretary of State for the Home Department, If he has received any plan or proposition from the Metropolitan Road Commissioners, for the removal of Toll Gates in and round London; and, if not, whether the said Commissioners have been called together for the special object of removing the existing obstructions?

SIR GEORGE GREY replied, that he had not received any plan or proposition of the kind referred to from the Metropolitan Road Commissioners. In 1859 a Commission, presided over by Lord Eversley, had reported as to the best means of relieving the burden inflicted by the metropolitan toll gates, and in February, 1860, his right hon. Friend, the present Secretary for War, who then presided at the Home Department, addressed a letter to the Commissioners with reference to that Report, to which an answer was given, but it could hardly be said to contain any plan or proposition for the removal of the toll bars, and since that time nothing had taken place.



## AUSTRALIAN COAL.—QUESTION.

LORD ALFRED CHURCHILL said, he wished to ask the Secretary to the Admiralty, Whether the Government has received any communication with respect to the Australian Coal; and, if so, whether it will order that Her Majesty's Ships in those waters shall make trial of it; and, if any slight alterations are requisite in the machinery to adapt it better for the use of this Coal, whether the Admiralty will direct these to be made in Steam Ships now on the Australian Station?

LORD CLARENCE PAGET had to state in reply, that the Admiralty had lately received a Report from the Colonial Office as to the merits of Australian Coal, and he should be extremely glad if that coal could be made available for Her Majesty's Ships on the Australian Station. He was sorry to say, however, that the Report was not very satisfactory, for it had been found that this coal had the effect of choking up the flues of the boilers, and the Officers were not particularly partial to it; but he was not without hope that this coal might be rendered useful to vessels while in the Australian waters. As to altering the boilers of vessels so as to adapt them for the better consumption of this coal, no particular objection could be urged; but it would not do to make any such alterations as to render the vessels inefficient on any other station.

THE ECCLESIASTICAL COMMISSION.  
QUESTION.

MR. ALDERMAN COPELAND said, he would beg to ask the Secretary of State for the Home Department, If it is the intention of the Government to appoint a Select Committee to inquire into the state of the Ecclesiastical Commission and the management of the Estates now vested in the Commission?

SIR GEORGE GREY said, that when last Session the hon. Gentleman had brought under the notice of the House a certain branch of expenditure with reference to the Ecclesiastical Commission, he said he (Sir George Grey) thought the subject might be fit for the inquiry of a Committee. The hon. Member for Poole (Mr. H. Seymour) had given notice of his intention to move for a Committee on the general question, and if the House should agree to that Motion, this subject would come within the scope of the inquiry of that Committee.

VOL. CLXV. [THIRD SERIES.]

## THE ISLAND OF ST. JUAN.—QUESTION.

MR. HALIBURTON said, he wished to ask the Under Secretary for Foreign Affairs, Upon what terms, if any, the Americans retain possession of a portion of the Island of St. Juan; whether there is any negotiation pending on the subject, and the nature thereof; and, whether there be any objection to produce the Papers and Correspondence referring thereto?

VISCOUNT PALMERSTON: Sir, the occupation of the Island of St. Juan rests upon an arrangement made in 1859 between General Scott, who was sent for the purpose to Vancouver's Island, and Governor Douglas, who was at that time Governor of that island. The conditions of that arrangement were, that without prejudice to the claim of either party to the whole of the island, there should provisionally be a joint occupation, the occupying force on each side not to consist of a greater number than 100 men, either soldiers or marines, to be stationed in separate parts of the island, so as not to come into contact; each party to exercise control over the subjects of its own government, and to repel any attacks from Indians. From that time negotiations have been carried on between the British Government and that of the United States with a view to the final settlement of the disputed question relative to the channel between Vancouver's Island and the main land, a dispute which, of course, involves the question of the Island of St. Juan. That negotiation had progressed to a certain extent when the civil war broke out, but in consequence of that war it has been suspended. That being the case, I do not think it would be useful, or conducive to the public interest, to enter into a detailed statement of the negotiation up to the point at which it was suspended, and, of course, I could not lay any Papers connected with that subject on the table of the House.

CABS AND PUBLIC CARRIAGES.  
QUESTION.

MR. HUME said, he would beg to ask the Secretary of State for the Home Department, Whether he has it in contemplation to introduce a Bill this Session to amend the Law regulating the traffic of Cabs and Public Carriages through the Streets of the Metropolis; and, if so, when it may be expected to be laid upon the table of the House?

SIR GEORGE GREY said, that he had no intention of proposing any alteration in

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the Law to which the hon. Member had adverted, no representation having been made to him which, in his view, seemed to necessitate a change.

COMMITTEE ON THE POST-OFFICE.  
QUESTION.

SIR GEORGE BOWYER said, he wished to ask Mr. Chancellor of the Exchequer, When the Report of the Committee on the Post Office will be laid upon the table?

THE CHANCELLOR OF THE EXCHEQUER said, the Report of the Committee on the Post Office related to a claim that was made by certain members of the metropolitan establishment for the improvement of their position. Their claim was first of all examined by various officers of the Post Office; and, secondly, by officers of the Post Office in conjunction with some officers of the Treasury; the two Departments, as the House was aware, being very intimately associated together, and the Treasury, in fact, being strictly responsible for all the proceedings of the Post Office. There was some difference of opinion prevailing among those officers, and under those circumstances it became the duty of the Government themselves to assume the responsibility; and after communications had passed between his noble Friend the Postmaster-General and the Treasury, certain arrangements were made which were now in force. With respect to that variety of view which prevailed amongst persons of intelligence and ability in Departments on the details of some practical questions, it was impossible that gentlemen of intelligence should not occasionally vary in the advice that they conscientiously tendered; but these were questions which he thought, in the first instance, were for the consideration of the Government, and they were for the consideration of Parliament, if Parliament should think fit to impugn the conduct of the Government. But, undoubtedly, these were not Papers of a nature which, in his judgment, it would be convenient or agreeable to precedent to lay before Parliament. Having taken a certain course, the Government intended to abide by that course, and it was not a matter on which they intended to submit Papers to Parliament.

COMMUNICATION WITH BRITISH  
COLUMBIA.—EXPLANATION.

THE CHANCELLOR OF THE EXCHEQUER said, he would take that oppor-

*Sir George Grey*

tunity of correcting an error into which he fell on the previous day when speaking of the establishment of Postal communication between San Francisco and British Columbia. He then stated that the charge for the service for six months was to be £10,000, or at the rate of £20,000 per annum. What he ought to have said was, that the contract for six months was for £5,000 therefore only £10,000 per annum.

SUPPLY.

*Moved*, That the House do go into Committee of Supply;

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DISTRESS IN IRELAND.

MR. MAGUIRE rose to call the attention of the House to the existence of serious distress in Ireland. He had been for nine years a Member of that House, and never on any occasion had he greater need of its indulgence and forbearance than he had that evening. He relied on the spirit of fair play which always animated Members of that House to secure him a patient hearing while he endeavoured to defend himself, and to show that certain statements made in Ireland, and repeated in that House on behalf of Her Majesty's Government, were not founded upon accurate information. He seemed as if he were standing there upon his trial. His veracity had been impeached, and his statements declared to be grossly exaggerated or without foundation. He stood there to prove that all he had said was true, and that what had been urged on the other side was not justified by the facts. It was humiliating and painful for any Member to stand up to expose the miseries of his country, and nothing but an imperative sense of duty would compel him to assume that attitude. He yielded to no one in respect for the private character of the present Viceroy of Ireland; but that nobleman had an unfortunate habit of taking a one-sided view of public affairs, because he had not moral courage sufficient to look upon their stern and disagreeable side. He viewed the condition of Ireland through a species of Claude Lorraine glass, which allowed him to see nothing harsh or repelling, but represented everything as grateful to his fancy as to his feelings. In the month of April, 1861, the Lord Lieutenant took



advantage of the meeting of a most important society to make a statement intended to rejoice not only the people of Ireland, but to afford the English people and the English press something pleasing to descant upon. Lord Carlisle stated that, no matter what might be the change in the agriculture of Ireland, a steady increase had taken place in the quantity of live stock in the country. At that very time he had in his possession—though he might possibly not have looked at them—returns from Mr. Donnelly, the Registrar General, which showed a steady, and, he would add, a painful falling off in the quantity of live stock in Ireland. In 1847 the number of acres under cereal crops was 3,313,563; in 1860 there were only 2,639,384. The produce in 1847 amounted to 16,248,934 quarters; in 1860 to 10,905,662. The decrease in 1860 consequently amounted to 674,179 acres, or 5,348,273 quarters, representing a money value of £10,000,000. In 1861 a further decrease had taken place, amounting upon all kinds of crops, as compared with the previous year, to 81,373 acres. With regard to live stock, of which the Lord Lieutenant spoke as steadily increasing in quantity, the fact was that in 1860, as compared with 1859, there was a decrease to the extent of 8,137 horses, 216,363 cattle, and 54,958 sheep, making a total loss in money value, as compared with the previous year, of £1,473,212. [AN HON. MEMBER: What about pigs?] If the hon. Member were solicitous as to the swine of Ireland, he should be satisfied. The increase upon pigs in that year was under 3,000; but even in that particular the results of the returns for the year 1861 were very startling. In that year, as compared with 1860, there was a falling-off in horses of 5,993; of cattle, 138,316; and pigs, 173,096, making a total pecuniary loss of £1,161,345. The total decrease of live stock upon the two years, during which it was alleged by the Lord Lieutenant that the quantity was steadily increasing, represented a money loss of £2,634,557. The estimated decrease in green crops for the two years 1859 and 1860 was equivalent to 4,214,610 tons. Under these circumstances, he felt justified in asking whether the Viceregal statements must not have had their origin either in forgetfulness or fallacious information. He would also ask hon. Gentlemen were not the statements which he had made, as to the falling-off in the

capital of the country, more correct than those made by the representatives of the Irish Government? The House must not judge of Ireland as it did of England and Scotland. Fortunately for England and Scotland, they had thriving manufactures and extended commerce; while, except in three or four counties, Ireland had nothing like what would be called manufacturing industry. Her commerce was comparatively restricted, and Ireland depended almost entirely on the prosperity of her agriculture. If agriculture flourished, all classes of people in the country flourished; if it was depressed, all classes were depressed. If God blessed the land with good crops and an abundant harvest, the farmers were able to pay their rents and to employ labour, the landlord received his rent, and the shopkeepers and trades of the cities and towns, as well as the artisan, were benefited by the circulation of the money which all classes were enabled to circulate through the community; but if the harvest failed, labourers were badly paid, landlords could not spend the same amount in cities and towns, and depression and poverty made themselves felt all over the nation. It took one or two years before a purely agricultural country recovered from a single bad harvest. But, unfortunately, Ireland was now suffering from a double blow of this kind; the harvest of 1860 was deficient, and he was prepared to prove that the harvest of 1861 was a lamentable failure. An agricultural country was, in its normal state, an exporting country, but he deliberately asserted that, without the corn which had either been imported into Ireland already, or which might be expected within the next two months, one of the most fearful famines would be raging there at this moment which ever desolated a nation or destroyed a people. Last year Ireland exported £2,365,000 worth of corn, and she imported very nearly £6,188,000. Adding to the balance thus remaining £1,160,000 lost by the decrease in cattle, there would be a dead loss to Ireland in that one year of nearly £5,000,000. Therefore to tell him that there was prosperity in Ireland was to say that which was inconsistent with the facts or with possibility. He was about to refer to documents which had not emanated from agitators "interested" or disinterested, and which would show the House that he was not exaggerating the case. One of these was a circular from Messrs. Sturge, of Bir-

mingham, the eminent corn merchants. They said—

“The way in which the people of Ireland have found the means to pay for the large quantities of foreign wheat and Indian corn imported since the famine has long been a mystery to us. It is now becoming evident that this has been done, in part at least, out of capital, as the last Government returns show a great reduction both in the number of cattle kept and the acreage under cultivation; for a time, the expenditure of English capital—”

The writer was wrong there. The entire bulk of the capital employed in the last dozen years had been Irish capital. Three-fourths of the property in the Encumbered Estates Court was purchased with Irish capital, and Irish capital was employed not only in the purchase but in the cultivation of land.

“For a time the expenditure of English capital in the purchase and improvement of estates prevented the drain of money being felt; but now we see its results in decreasing stock and diminished cultivation, which, if continued, must reduce a considerable portion of the country to a mere sheep-walk.”

Would Irish gentlemen regard that as a condition of things of which they would have reason to be proud? Messrs. Sturge add—

“The imports of Indian corn exceed those of any past year except that of the famine in 1847. One gentleman who has recently visited all the ports in Ireland estimates the stock at over 1,000,000 qrs.; others, 900,000. The latter quantity materially exceeds the annual average consumption of the last seven years; still, for the reasons before expressed, respecting wheat we do not look forward to any material decline at present. The total imports of all kinds of corn, meal, and flour, were 1,684,633 qrs. more in 1861 than in 1860, and 4,575,377 qrs. in excess of any other previous year.”

He did not think any gentleman interested in Ireland could congratulate the country upon the facts here stated, and any gentleman who came from a prosperous portion of the country should rather bless God that the mercy of Providence had been vouchsafed to his portion of the country; but he should not close his eyes to the fact that other districts of the Island had been blighted by the failure of the crops. He wished now to appeal to another authority—not an “interested and dissatisfied agitator”—Mr. Haughton, chairman of the Great Southern and Western Railway, who, in a speech delivered on Saturday, Feb. 15, said—

“Let them now recollect the disadvantages with which they had to contend during the past year. When they met together last August all had fondly

anticipated that they would have a bountiful harvest; but bad as had been the harvest of 1860, they had to deal with a worse one in 1861. From his own experience in the corn trade he felt himself justified in stating that there had never been an instance of two successive harvests so bad as those of 1860-1. There had been single harvests worse than either of them—for instance, that of 1817—but they never had two harvests in succession so bad. The consequence was, that this country was now relying for bread almost entirely upon foreign wheat.”

He should now quote some returns from two or three of the corn markets in Ireland, which, he thought, ought to bring conviction to the mind of any gentleman who believed that the description of the last year's crops had been exaggerated. He found that at the Wexford market, while 56,000 barrels of grain were brought in from the harvest of 1860 up to February, 1861, only 36,000 were brought in for the corresponding period ending in February, 1862, showing a decrease of nearly 20,000 barrels in that one market. In the Cork corn market, there had been a falling-off of 7,433 barrels of wheat, 11,058 barrels of barley, 43,754 barrels of oats; making a gross falling-off to the amount of 62,255 barrels for the last year. The falling-off in the Limerick market was 19,655 barrels of wheat and barley. Those figures showed that in the three markets of Wexford, Cork, and Limerick the supply for the present, as compared with last year, was deficient by 100,000 barrels. He was not afraid to state the name of his authorities. He did not quote any *ex officio* guardian who was afraid to have his accuracy tested by his identity. The gentleman who had furnished him with the Cork returns was Mr. Cantillon, who enclosed them in a letter containing some observations that still further bore out the assertions which, on a former occasion, he had addressed to the House. Mr. Cantillon was a gentleman of the highest character and position, and one passage from his letter would put the state of the crops and the condition of the tillage farmers in a painful light. He wrote as follows:—

“These figures will clearly show the shortness of the crops in this locality. It may, however, be argued against you, that six months afford no test that the farmers do not hold larger stocks in their farm yards this time this year than they did at the same time last year. But the reverse is the fact, for owing to the wet harvest, and the impossibility of saving the grain crops, they were unfit to stack up, and those who might have been able to hold their grain were compelled to send it into market, else it would rot. So it may be fairly inferred that the bulk of last harvest's



grain is delivered, and out of the hands of the farmer; while on the 1st of February, 1861, the farming class held a very fair share of the produce of the previous harvest. Added to short produce per acre, the unfortunate tillage farmer had to accept miserable prices, for the quality was so bad that large quantities of wheat were sold from 15s. to 20s. per barrel, barley from 7s. to 10s., and oats 4s. to 7s. And the entire produce of one acre did not frequently yield more than from 30s. to 40s. for the unfortunate producers. Of course, those who were lucky enough to have good dry grain—and I regret to say they were very few—obtained much higher prices than those mentioned above; but they too suffered, because the yield per acre was short.”

He could assure the House that he had no wish to set any one class of his countrymen against another. In the present condition of Ireland an attempt to do any such thing would be particularly culpable. If he ever had such a desire, the painful position of his country would sober his judgment and restrain his tongue. In a large number of cases the landlords were doing everything in their power to mitigate the sufferings of their tenants. But in many instances there was a race between landlords, bankers, mealsellers, and shopkeepers as to who should have the first grab at the money; and, though many landlords were doing all in their power to mitigate the sufferings of the people, many were endeavouring to obtain their rents by legal process. Magistrates in Ireland had jurisdiction over debts under 40s., and therefore much business was taken from the quarter sessions. Yet at the Bantry and Skibbereen quarter sessions for the West Riding of Cork, in January, 1862, there were 927 civil bill processes entered, compared with 529 in January of the preceding year, showing an increase of 398. In Skibbereen the numbers were—in October, 1860, 202; October, 1861, 407; increase, 205. In the East Riding of the county of Cork, in six months of three years, the numbers were—in 1859, 2,080; in 1860, 3,326; in 1861, 5,225. In the county of Kerry the numbers were—in 1859, 2,271; in 1860, 3,164; and in 1861, 7,367. For the last sessions alone, the stamp-master ordered £1,000 worth of stamps, which represented 6,000 processes. From a return moved for by the noble Lord the Member for Galway it was shown that the condition of the people in 1860 was not flourishing, but that severe distress was then felt both by the labouring classes and small farmers. The return gave the average rate of weekly earnings

for the six months previous to the 1st of January, 1861. The returns were made by the county inspectors, who were not agitators after they got their places, at any rate, whatever they were before. Armagh—Labourers were badly off in the spring of 1860 for want of employment, owing to the wetness of the season. Carlow—The labour market was unsteady during harvest owing to the wet. Cork (county and city)—In the East Riding, in remote localities, the labour market was dull, and during winter farm work was done with yearly servants. Fermanagh—For at least half a year there was scarcely any employment for the agricultural labourer, who was in general a married man with a family, and was therefore in destitution; the markets were high. King’s County—The demand for labour was limited; women and boys being altogether without employment. Leitrim—The labour market was overstocked. Longford—Market rates were high; labouring classes suffered much from the want of food and fuel during winter. Meath—When the harvest terminated employment became very limited; were it not for the employment afforded by the making of the Dublin and Meath Railway, the labouring classes would have suffered greater privations than they had hitherto done. That return showed the wisdom of the policy of remunerative employment for the Irish people recommended by a noble Lord (Lord George Bentinck) whose death the Conservative party had great reason to deplore. Tipperary—Wages were unusually low, owing to the wetness of the summer. The labour market was fully supplied, if not overstocked. Labourers were much distressed from the want of employment, owing to the wetness of the season; but a more permanent effect on the labour market was produced by laying tillage land out for pasturage purposes. He had quoted sufficient to show that the state of things in 1860 was a bad and lamentable preparation for the more lamentable condition of things in 1861. The right hon. Gentleman (Sir Robert Peel) would probably urge, what any English Member would say, that the number of people in the workhouses was a fair test of the condition of the country. He asserted, on the contrary, that it was not, and he would explain the reason why it was not a fair or accurate test. It was like a delicate barometer, and if rightly under-

stood would faithfully indicate the gradual increase of poverty; but the total number in the workhouses was no fair or accurate representation of the numbers who were suffering from destitution. In Ireland there was no out-door relief. [A VOICE: Yes.] He would tell the House what they had. One in thirty received out-door relief. In England six-sevenths of the relief given was out-door relief; in Scotland nineteen-twentieths. In England  $4\frac{1}{2}$  per cent of the people were relieved, in Scotland 4 per cent, and in Ireland under 1 per cent. One might suppose from this that Ireland, instead of suffering from distress and poverty, was bursting with wealth. But the fact was, that the Irish landlords, who were frequently Poor Law guardians, remembered the state of things in 1847, when property was swamped by the relief given. When poor relief was given in England, the guardians did not break up a man's family ties—take him from his home, destroy his social status, and brand him and his offspring as paupers; but in Ireland a poor person was obliged to forsake his home, and if he went into the poorhouse he sank into a state of degradation which the poorest abhorred. As to the feeling of abhorrence entertained by the Irish poor of the workhouse, there could be no doubt. It was proved by evidence to which the Secretary for Ireland could not be insensible. Mr. Power and Mr. Senior were not, he believed, to be regarded as agitators, dissatisfied or otherwise; and yet what did they say? They, writing of the famine period, said that the unwillingness of some poor people to enter the workhouse was so great, that “they have sacrificed their own lives or the lives of their children by postponing acceptance too long, or by refusing such relief altogether.” In fact, at that time many of the poor would sooner die in a ditch than enter the workhouse. But there was, in fact, a steady increase in the number of inmates in the Irish workhouses, which ought to excite the apprehensions and vigilance of a paternal Government. Compared with 1860, the increase was  $20\frac{1}{2}$  per cent, and compared with the preceding year it was 50 per cent. In corroboration of the unwillingness of the people to go into the workhouse, he found in the Clifden correspondence of a Dublin landlord journal (*Saunders's*) a statement that when the workhouse was offered to the destitute poor of the Island

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of Innisboffin, it was in every instance refused—the answer was, “I will die at home before I go to the workhouse.” The observations of the Rev. Mr. O'Regan, of Kanturk, were worthy of attention: he said, that the poor people do not go to the workhouse was not the result of the absence of distress; but was owing to some inexplicable horror and detestation of being driven into the workhouse that such was the infatuation of the people in Ireland, in their horror of the workhouse, that they preferred to starve slowly outside the workhouse than enter it. He would now read letters which ought to satisfy any one not wilfully blind, that lamentable distress existed in many parts of Ireland, especially in the counties of the West and South. [The hon. Gentleman then read at great length extracts from letters and speeches in support of his arguments, the nature of which are indicated by the following brief references.] Dr. McEvilly, the excellent Catholic Bishop of Galway (and it should be noted that every one of the Catholic Bishops who had written on the subject, bore testimony to the energy and liberality of the landlords), speaking of Galway and its immediate neighbourhood, said that the Relief Committee, composed of men of every religious denomination, had worked cordially together for alleviating the miseries of the poor without any distinction of class and creed; that they had afforded relief, both in food and fuel, to nearly 1,300 families or 6,000 persons; and that had it not been for this timely ministration of relief, hundreds of those for whom accommodation could not be provided, even if it were desirable, within the walls of the workhouse, would have perished, or fallen victims to disease and sickness, from the want of food and fuel, during the usually inclement and severe winter through which we have passed. The Bishop states that the greatest distress exists in the districts of Oughterad and Oranmore; and he then says—

“But we are vauntingly asked, in disproof of the existence of distress, Are not the workhouses half empty, and are there not plenty of bread-stuffs and provisions to be had at comparatively low prices? Those who allege this in disproof of even extreme distress, must know very little of the condition and feelings of the Irish poor. A more fallacious test of distress was never applied than the extent of workhouse relief. To my own certain knowledge, hundreds of our poor people would prefer starving. They would regard death in its most painful form, death by starvation, as a



lesser evil than the sustainment of life within the walls of a workhouse."

He would only quote one letter from the County Mayo. The Catholic Archdeacon of Achonry, the Very Rev. Dr. Coghlan, writing on the 17th of February, of the parish of Kilmovee, says—

"I got the most worthy men to go to every tenant-farmer's house in my parish, and they made me a return of the quantity of food possessed by every one of them, to the truth and accuracy of which return they will make the most solemn declaration.

"The population of Kilmovee Parish, county Mayo, is 6,534— of which

272 have provisions for 4 months.

967 have provisions for 3 months.

2,613 have provisions for 2 months.

1,554 have provisions for 1 month.

1,138 have no provisions.

6,534"

He (Mr. Maguire) was now going to allude to Sligo, and, perhaps, *en passant*, he might have an opportunity of removing what had been a cause of great mental excitement and agony to the right hon. Gentleman. The right hon. Baronet had visited the town of Sligo, and in his rapid transit, happening to glance at the walls, he thought he saw a flaming placard, with the awful name of Paul Cullen attached to it. But really such a placard existed only in the right hon. Baronet's imagination, for it happened that a priest and a parson were just at the time cudgelling their brains, the one to prove that purgatory did not exist, and the other that it did; and the placard merely announced that in the *Sligo Champion* the crushing reply of the parish priest was to be given in the next number of the *Champion*, to the admiration of the local public. The right hon. Baronet thought it was a letter from Paul Cullen, denouncing him. On the authority of the proprietor of the *Sligo Champion*, whose letter he had there, he was happy to say that the right hon. Gentleman suffered from an optical delusion. He (Mr. Maguire) was the more pleased at that, because, when the right hon. Baronet rushed down to Derry, and standing upon a platform where a Protestant bishop had been hooted for his liberality, and where a relative of the right hon. Baronet (Mr. Dawson), because he was a Conservative of liberal opinions, had been subjected to the grossest outrage and indignity—upon that platform, and before a kindred audience, the Secretary for Ireland, unbur-

dened the woes of his breast, and told a sympathizing audience, for he had the chivalry and manliness there to assail an absent Catholic Prelate, that he shed tears when he saw the name of Paul Cullen; but lest they might sympathize too largely with him, he set down the commercial value of Paul Cullen's abuse at "two rows of pins" He (Mr. Maguire) was glad to relieve the anguished mind of the Secretary, and therefore he afforded him that explanation, not because he cared about the man, but he did about the Minister to whom the destinies of Ireland were intrusted. The right hon. Gentleman rushed into Sligo and rushed out of it.

SIR ROBERT PEEL: I was in Sligo three days.

MR. MAGUIRE: Very good; he was delighted to hear it. But why, on the second or third day, did not the right hon. Baronet look at the placard, and correct his first impressions? The right hon. Gentleman certainly had honoured Sligo, and Sligo ought to raise a monument—not to his memory, for he hoped he would live long in the land—but to commemorate his visit. But what had been the character of his tour, or progress through the country? The right hon. Gentleman himself described it, and lest there should be any mistake on a matter so interesting, he would quote his own words, embalmed in the pages of the *Sligo Champion*. The right hon. Baronet, speaking to a section of the Sligo corporation, who had outstripped their brethren, and who had the honour of a special interview with the Secretary for Ireland, said, as to the state of the country—

"I have no doubt now, after having traversed a very extensive range of country within the last three days, about three hundred miles, on an outside car, with my friend Sir Henry Brownrigg, who I am sure is in a condition to know much better than any man in the country, &c. &c."

How many horses he killed—how many cars he used up—the nerves of how many Irish jarvies he utterly disordered—the future historian of Ireland alone could tell. But upon the statements of the right hon. Gentleman himself not much reliance could be placed, according to his own showing, however truthful he might be with reference to matters of which he actually had cognizance. He defied any one to make a rush over three hundred miles in three days and to be able to form an accurate judgment as to the state of the

district he traversed. He (Mr. Maguire) admitted that this was a grand feat, an unexampled feat—in locomotion; but this kind of Peter Wilkin's tour, this flying through a country, did not qualify the hon. Baronet to speak with authority as to the state of the country and the condition of the people. The right hon. Baronet was not a proper authority on the state of distress in Ireland; neither was the amiable nobleman who was Viceroy of Ireland, for while the latter stated that the country was making a gradual and steady progress, the contrary was shown by Mr. Donnelly's returns. Such testimony as that of Lord Carlisle reminded him of what was said by an unhappy Royal lady, who, when told that the people were starving, asked "Cannot they eat cakes?" But it was her incredulity on that and other points that brought the graceful head of Marie Antoinette to the block, and left the stain of her innocent blood upon the conscience of France. The right hon. Gentleman said that Sligo was in a good condition. He (Mr. Maguire) would refer the right hon. Gentleman to the statement made by the Most Rev. Dr. Gillooly to the Lord Lieutenant and the Chief Secretary on the 14th of January to show the destitute condition in which that district must shortly be placed. Dr. Gillooly, while making a tour in his diocese, wrote from Roscommon that the returns which he had received were by no means exaggerated; that—

"There are at this moment in actual distress, and in receipt of relief from our parochial committees—

|               |                     |
|---------------|---------------------|
| In Athlone,   | about 250 families. |
| In Roscommon, | about 200 do.       |
| In Boyle,     | about 200 do.       |
| In Sligo,     | about 900 do.       |

Note.—At 5 each—8,250 persons."

"To the poor of our towns, and still more to the poor of our country districts, the workhouse is an object of horror and disgust—more hateful and formidable than death itself. We have given up advising them to go there; it is useless. Those who would urge them to do so they would regard as unfeeling and cruel. With the workhouse they associate sickness, death, disgrace, and the permanent disruption of family ties. To go there once is to make themselves paupers and outcasts for ever; not to go there is their only chance of preserving a home and family."

Sir Gore Booth, a Member of the House, and Colonel White, a Deputy Lieutenant, bore testimony to the same effect; and Mr. Henry, a Protestant landlord, adds—

"In the district near me not less than

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eight or ten deaths have taken place within the last fortnight or three weeks from want." He thought, then, he had made out his case as regards Sligo. In Carlow, in Wexford, in the King's County, relief committees were in active operation. The distress there was attributable to the unparalleled deficiency in the agricultural crops, and the consequent inability of the farmers to employ labour, however much they might feel inclined. He would pass now to Munster. He had received a letter from Mr. Coonihan, the proprietor of the *Munster News*, in which he gave a lamentable account of the destruction of the crop. In some of the best districts of Limerick the produce of the wheat-fields had been sold for 40s. or 50s. an acre, which in favourable years had brought £12 or £14; consequently the day labourers had no employment, because the occupiers could not afford to pay wages. Numbers had lost all—food, fodder, and fuel: a triple failure. There were districts without a potato, others without peat-fuel for a single fire, in none had there been a successful crop—even the green crops had in many instances been ruined by the incessant rains. Mr. Coonihan also refers to the enormous increase of processes by civil bill and the decrees obtained and executed. The Mayor of Clonmel, no mean authority, wrote that the prolonged rains had completely put a stop to out-door employment, and in consequence not merely the labourer but the artisan and their families underwent privations that Englishmen could scarcely comprehend; the cottier tenants suffered severely—the potato was their all, and that had been a dead failure: turnips had been plentiful, and it was a great mercy, for they had constituted a great part of the poor of Clonmel. The Catholic Bishop of Clonmel wrote—

"But, if the lot of the labouring classes is at all times a hard enough one—if what may be called their normal, every-day condition is a struggle for the necessities of life—their condition at the present time is one of unusually deep distress, such as has not fallen upon them since the famine years, and imperatively demands of those having the ability to come promptly to their relief, that God's poor may not perish in the land. From the unpropitious nature of the seasons, the potato crop is in good part utterly lost, and what little remains is greatly injured; the cereal produce, too, of the land is both short in quantity and inferior in quality—so that, owing to this combination of adverse circumstances, even now, before we have passed out of the second month of the year, the people are crying out for food, and, to add to their distress, they are suffering from want of fuel, many having nothing to burn but



the wretched brambles gathered from the roadside. That an unusual amount of distress prevails in town and country is abundantly evident from the extraordinary efforts of voluntary charity called forth by the necessities of the time. In a spirit of liberality which cannot be too highly praised, gentlemen have in different parts of the country thrown open their lawns and cut down their trees for fuel for the people. Why this unusual liberality, if not to meet the more than common privations arising from the want of a necessary of life?"

He now came to Cork. Dr. Keane, the Catholic Bishop of Cloyne, gave a most important statement as to the condition of his diocese, which consisted of the richest and best-cultivated portion of the county. He says that the proofs of distress are numerous and undeniable, that the loss of the crops last autumn, taking wheat, barley, oats, hay, and potatoes together, was in some places fully one-third, in others one-half, and in some more than half: that the incessant rain prevented the people from saving their usual supply of fuel—

"The result of personal observation, and of anxious inquiry, is a firm conviction on my mind, that if this year the poor were as numerous as in '47 and '48, and if the corn-merchants were as little prepared at once to meet the pressing demands in the food market, the famine would be as bad now as at that disastrous period. There will, however, be no famine. Death and emigration have taken away over two millions of the poor; and the supply of breadstuffs imported from other countries is general and abundant. But there will and there must be great distress. The reasons are obvious. In the condition of tradesmen and labourers who happen to have constant employment, there will be no change. With fair wages, and food not over-dear, they will have little to complain of. The large farmers, who had previously made some reserve, can also meet the difficulty with comparative ease. The classes on whom the pressure must bear most heavily, are the small farmers, the shopkeepers, the tradesmen and labourers, who are depending on occasional employment. These farmers, in many instances, have at the present moment neither food, nor money, nor credit. Shopkeepers of all classes, and in a special manner those in the drapery line, are doing comparatively little. And the tradespeople and labourers now idle have very little prospect of employment. Of the existing distress, the numbers in the workhouses afford no correct test. Unless for those who are thoroughly acquainted with the habits and feeling of the Irish poor, it is difficult to form an adequate idea of their unwillingness to accept Poor Law relief. The severest pangs of hunger, nay death itself, will be encountered by many of them, sooner than they would seek the chilling discomforts of workhouse accommodation."

Mr. Uniacke Mackay, of Ballyroberts Castle, Fermoy, bears testimony to the deficient harvest of last year in his locality;

and the Rev. Mr. O'Regan, writing from Kanturk, says that there is appalling destitution amongst the mechanics and labourers; that the small farmers are flitting, and leaving their farms with the rents unpaid; that many are utterly unable to procure seed potatoes or seed oats, and that he has lately seen 600 acres, once fairly cultivated by a number of small farmers, on which they have not now a four-footed beast. Dr. O'Hea, the Catholic Bishop of Ross, writes, that in Skibbereen, Rath, Sherkin, and Cape Clear Islands, Aughadown, Castlehaven, Kilmacabea, and Kilmeen, the people are in the greatest state of destitution; and how they would be able to feed themselves and their families until next harvest was a mystery to all: in the town of Skibbereen, with a population of 3,700, one-half were on the relief list. The Rev. Mr. Fisher, the Protestant Rector of Kilmoe, sent him a copy of a letter which he had addressed to *The Times*. Among several distressing facts as to the condition of things, he said that in his parish (which was twelve miles long) there was only a fourth of the usual crop of potatoes, while the corn crop was almost a total failure. Among his Protestant parishioners Mr. Fisher stated that over thirty families were in such distress that they could not go to church in the daytime, but went there only in the obscurity of twilight, to the evening service. "With pain," he says, "I see them stealing into some distant corner of the church at evening service in the dark evenings, that their rags may not be seen by the congregation." The relief committee of Bandon, at a meeting presided over by the Hon. Colonel Bernard, a Member of that House, reported that 1,500 persons in that small town were suffering great privation, and that the poor were pawning their clothing to escape the workhouse. The right hon. Baronet would doubtless be disgusted to hear that certain gentlemen of position in Mallow had been doing what he condemned so strongly—sending round the begging-box. Why the right hon. Baronet should object to such a proceeding he could not tell, for he had himself set the people of Ireland a remarkable example of sending round that box. He had heard of a Turkish "hat" at which even pashas trembled and rajahs turned pale; but when the begging-hat, stamped with the name of the right hon. Baronet the Chief Secretary was sent round in Ireland it excited the gratitude at least

of those with whom gratitude was a lively sense of favours to come. [*Laughter.*] They responded at once to the outstretched palms of the begging Baronet. And for what was that begging-box sent round? Not to feed the hungry, clothe the naked, or to shelter the shelterless, but to support a fourth Queen's College. The Governmental screw was put on every man with a shilling in his pocket; but the appeal of the right hon. Baronet was flung in his face by the Catholic gentry. The right hon. Baronet had sneered at the begging-box; but let him never do so again, remembering that he had had recourse to it himself, and resorted to means that could not have had the approval of any sensible man on the Treasury bench. For where hostility was only dormant, he had evoked it, and where opposition was vague and timid, he, by his appeals, gave it strength and boldness. The right hon. Gentleman also sneered at agitators; but he himself was the most successful agitator who had ever appeared in Ireland. With an expenditure of less time and less brains he had done more mischief than any of his predecessors; not that he had less brains, but that he had less time to expend them. In six weeks the peace of the community was blown to atoms. Ireland was at peace; the right hon. Baronet appeared, and in six weeks the peace of the country was blown to pieces. It was as if the noble Lord at the head of the Government had, in a fit of practical jocularly, thrown a bomb-shell into the middle of a peaceful community. He firmly believed that the right hon. Baronet had by his successful agitation done more to raise class against class and creed against creed than any agitator during the last ten years. ["No, no."] Hon. Gentlemen might say "no," but for the Chief Secretary to go into the midst of an Orange assembly, and attack a Catholic prelate, was not the way to promote peace and harmony in a country like Ireland, in which religious distinctions were, to say the least, strongly defined. To return to Mallow, which had sent round the abhorred begging-box, the Committee, presided over by a cousin of the hon. Member for Mallow (Mr. Longfield), after stating that "the fearful number of one thousand beings" were in a state bordering on destitution, added—

"Those who know the aversion the labouring classes in Ireland have to entering the workhouse, will not be astonished to hear, that in order to

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avoid this alternative, and sustain life, they have parted and pledged every available article of furniture and clothing, reserving to themselves (in some cases visited by members of the Committee), literally nothing save a few rags to cover them."

Of the city of Cork, he could quote a letter from the President of the Vincent Society, a gentleman well-known, and of the highest character and position, describing the state of want to which the depression of the times had reduced the working population and those who live by various branches of industry. The Catholic Bishop of Cork (the Right Rev. Dr. Delany) adds most important testimony as to the state of things—

\* \* "I have been from the commencement an anxious observer of the progress of distress, and have arrived at the conclusion, formed, I believe, by almost every one here, that there will be extremely severe suffering endured by numbers of our poor people. All the small farmers are in the most deplorable position. No crops to pay their rents, nor money enough to purchase food or fuel for their afflicted families. The enormous deficit in last year's harvest will be destructive to the mechanics and poorer tradesmen, whose existence hangs on their employment, which depends on the produce of the soil, the foundation of almost all the trade and commerce of this country. Notwithstanding the imputation of want of self-reliance, ordinarily, but as in other cases unjustly, laid to the charge of the Irish people, the poor of this country generally will not enter the workhouse while the faintest ray of hope remains to them of sustaining life outside the walls of these institutions. The famine year demonstrated this. Tens of thousands perished within the precincts of the asylums prepared for them at enormous cost, simply because nothing could induce them to seek aid within their walls. When others did at last resort to this their only chance, they were so wasted by sickness and reduced by starvation, that medicine could not restore them, nor nutriment sustain them."

He might proceed to quote a large number of other letters and documents in proof of what he had stated, but he would not further occupy the attention of the House. He had felt it to be his duty to bring forward the question as he had done, in vindication of his own truthfulness, and in proof of the brief statement which he had made on another occasion. He made no appeal *ad misericordiam*, he uttered no whine; he simply stated facts, and gave his authorities for them, and left the Government to act on its responsibility. He might, however, express an opinion that one of the best modes of alleviating distress would be to promote, by loan or otherwise, useful and reproductive works, such as railways, which would employ the idle and benefit the country. Two such lines might be assisted in the west of the county



of Cork, a distressed district. The right hon. Baronet and his friends might say that agitators were endeavouring to exaggerate this distress; but the fact was, that he, for his own part, had pursued an entirely opposite course, having refused to allow any statements upon the subject to appear in the journal of which he had the control until despair had settled upon the mind of almost every man in Ireland, lest by so doing he should injure trade and damage individuals. But at length he had felt compelled to speak out, lest it should happen again, as in 1848, that there should not be time enough to act so as to avert a more extended suffering, and a more serious calamity. He would conclude by a single reference to the state of trade in Dublin, which would afford the House an idea of the general condition in Dublin. He had received two letters—one from a draper in Kingstown—the other from Mr. M'Swiney, of Dublin, of the extensive firm of M'Swiney, Delany, & Co. In these letters it was stated that in the linen and woollen houses in Dublin 25 per cent less persons were now employed than in 1859, and the salaries were also reduced by 25 per cent. Mr. M'Swiney stated that the number of hands (clerks, &c.) out of employment during the past year was tenfold greater than the preceding year; and that Dublin was crowded with intelligent young men from the country offering themselves even for their keep, and willing to accept the humblest offices. The hon. Member thanked the House for the indulgence which it had shown him, especially as he had been compelled, in order to prove his case, to trouble them with a number of documents. He was most unwilling to have done so, but it was essential that he should rely on a number of authorities from various parts of the country. He was grateful for the patience and kindness with which he had been treated. In order to obtain the opportunity of reply, should such be necessary, he would conclude with moving that the Irish Poor Law Returns to the 15th instant be laid on the table of the House.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Irish Poor Law Returns up to the 15th day of this month, be laid before the House,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR ROBERT PEEL: Sir, the hon. Member has entered into a wide field of discussion, and has brought under the notice of the House a question which in years gone by was found well worthy to occupy the time and attention of Parliament, when it could be shown that there was no reason to apprehend that the statements adduced were tinged by exaggeration or prejudiced by faction. I believe the House of Commons would be just as ready now to listen to any statement calling for the sympathy, the advice, or the assistance of Parliament. But before hon. Gentlemen pass an opinion on the observations of the hon. Member I respectfully ask a few moments' indulgence that I may have an opportunity of replying to them. I do not complain of the course taken by the hon. Gentleman; three times within a fortnight he has brought this subject under the notice of Parliament; but although I have abundant business of the department to transact at this moment, I shall always be ready to listen to him or any other hon. Gentleman who may bring forward in this House subjects bearing on the condition of the people, and especially of the poorer classes in Ireland. But it must have struck you, Sir, as well as many other hon. Gentlemen, that this lament, this cry of alarm, does not come—as it did in 1846, 1847, and 1848—from the landed proprietors in Ireland; it does not come from the tenant farmers; it does not come from the Parliamentary representatives of popular constituencies, or from the people themselves; it does not come, in fact, from those who have an opportunity of knowing what the real state and condition of Ireland is; but it is confined simply and solely to a very few persons in Ireland, of whom the hon. Member for Dungarvan is the representative in this House, whose opportunities of observation and whose knowledge of Ireland—I say it with complete Parliamentary respect—is, as every hon. Gentleman knows, of the most limited and subordinate character. In discussing the subject the hon. Gentleman, I am sorry to say, has gone into that most distasteful arena—personal attack. He has alluded to some things in connection with my visit to the West. He is quite at liberty to criticise that journey; but, at all events, it was undertaken with the best motives. As to my conduct at Londonderry, where I received the freedom of the city, as my father had done before me, I see nothing

whatever to retract. I will not follow the hon. Gentleman into the region of personal attack; let us be above it. The cause I want to advocate—the cause of the people of Ireland—is based on a better and more solid foundation than can be acquired from the mere interchange of personal recrimination. But this I can tell the hon. Gentleman, that if I chose to avail myself of the opportunity, he has pretty well laid himself open to attack. But I will leave him to the enjoyment of an occupation which seems congenial to his own mind.

Now, in turning to consider the condition of Ireland, I must say, in the first place, that it is unfair towards the Irish Government to assert that it has not from the beginning been most sensitive of the actual state of the country. I bring to witness the noble Lord at the head of the Government and the right hon. Baronet the Home Secretary in proof of my assertion, that from the very earliest moment I pointed out that considerable distress existed in Ireland; that there was failure in the potato crop; that the cereals were not such as they had been—in fact, that there were grounds to apprehend very considerable distress; and, to the credit, not of myself, but of the Irish Government, I will add that everything was done to meet any unusual pressure which might unexpectedly arise. The hon. Gentleman has sneered at my visit to parts of Ireland, but not two days after my return I wrote to my right hon. Friend the Home Secretary, telling him that I thought some things would be required to guard against the possibility of danger from famine. One was a steamer on the west coast of Ireland, for the purpose of relieving islands separated from the mainland by very boisterous seas, such as those in the Union of Belmullet, the islands of Arran, and other places. I also urged that in some remote districts, owing to want of accommodation, poor people afflicted with sudden distress would be unable to reach the workhouses where these were situated at some distance. The Government immediately replied that on the first call of necessity a steamer should be sent to the west coast of Ireland, and that twenty or thirty most admirably constructed carts—spring vans, which were made for the Crimea—would be forwarded to Dublin, for the purpose of being distributed to different parts of the country. They have been forwarded to Dublin, and have been instrumental in

doing much good in places where no proper facilities of carriage existed. Subsequently I wrote to the Treasury expressing my belief that seven Poor Law inspectors would not be adequate to perform all the duties cast upon them in case any pressure arose, and asking whether they would sanction the additional expenditure requisite to make the four medical inspectors Poor Law inspectors. The Treasury wrote back to say, that to avoid all difficulty, they would at once grant the additional expenditure which might be necessary in case any pressure arose. Therefore, I must say that from the very earliest period we have sought to guard against the possibility of any undue pressure on the people at large. But more than that—early in September I sent 1,600 circulars to as many different parts of Ireland, urging upon the parties with whom I was in correspondence to send me accurate and particular information, not only as to the state of the harvest, but as to the condition of the poorer classes generally. I think the House, therefore, will agree with me that in that respect the charges brought against the Government by the hon. Member for Dungarvan are most unfounded, and that we are justly entitled to the consideration of this House.

I will admit—in fact, I always have admitted—that the season in Ireland was most unfortunate. There is a registry of rain in the county of Galway, and it has been ascertained that the enormous quantity of upwards of fifty-seven inches fell in that part of the west of Ireland; and during the three harvest months of July, August, and September, more than twenty-four inches of rain-water fell. It is, therefore, evident that the hay crop must have been seriously damaged. But, in the face of this unhappy state of things, I am glad to say that the sanitary state of the people of Ireland was never better. For, in addition to the inquiries made as to the food of the poorer classes, we have been most anxious to learn their sanitary condition; and I am glad to inform the House that in the four provinces of Ulster, Munster, Leinster, and Connaught, the reports of the public health are generally satisfactory. One from the province of Leinster, dated the 11th of January, states that the sanitary condition of the poorer classes has been favourably reported of by every medical officer in the district, and the affections incidental to the season are not more severe than in former years. In another,

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from Connaught, under date of the 7th of January, the Poor Law Inspector writes, "My district comprises six counties, with a population of 1,450,000;" and he speaks of the sanitary condition as admitting of comparison with corresponding periods of former years. From all that I can learn, there has not been that great suffering from ill-cooked food which was so prominent a cause of fever in the years 1847 and 1848. The hon. Member for Dungarvan admitted that there was a vast amount of apparent capital in the country, but his conclusions on the whole were very unfavourable. Now, I think the market and fair returns offer a tolerable criterion for hon. Gentlemen to test the price of food in Ireland. There was a large fair held at Ballinasloe on the 11th of January, and the Report says, "The pig market was the largest ever seen in Ballinasloe, and the supply considerably in advance of this time twelvemonths." At the Kilkenny fair, in the same way, "there was a larger show of cattle of all kinds than was to be seen at the January fair in the previous year." Yesterday I received a letter from Cavan, and I shall refer to it, as the hon. Gentleman alluded to that place. [MR. MAGUIRE: No, I did not.] I thought the hon. Gentleman alluded to Cavan; but, at all events, the communication is from a resident magistrate, and it states that on the 14th of February excellent potatoes were selling in the market of Arvagh in that county at from 3½d. to 5d. the 14lb. Another remarkable proof that there cannot have been any great apprehension of famine is afforded by the Returns of the contract prices paid for provisions in the different workhouses. It is a remarkable fact that, though higher than in 1859, they are about the same as the contract prices of 1860. In 1860 the contract price of Indian meal was £9 11s. 8d. a ton; it is now £9 11s. 11d.

Then we have heard a great deal of a fuel famine. No doubt there is a great scarcity in some of the places where peat is generally used; but I am glad to find that coal is used in Waterford and in other parts of Munster. In Ulster, it is much used in Londonderry, and also in some localities of Antrim, Down, and Tyrone. In Leinster it is used as the principal fuel in Carlow, Dublin, Kilkenny, Louth, Wexford, and Wicklow. In Connaught an immense quantity of coal has been imported by landlords and others. In Sligo much has been imported, and I have ascer-

tained that there are about 115 coal depôts in various parts of the west of Ireland. That speaks strongly as to the liberality with which the landlords have come forward. But the hon. Gentleman has read statements from a right rev. Prelate, Dr. Gilhooly, Dr. O'Hea, and several others, as to the sufferings of the people in different parts of the country. Now, I am sure I would not wish to claim the indulgence of the House in order to go into details at the length the hon. Member has done; but I shall read one or two extracts that will substantially test statements that have been circulated, and which have no foundation in fact. The hon. Gentleman particularly referred to the case of Roscommon. It is true that a deputation waited on the Lord Lieutenant with reference to the state of Roscommon. I was present at the interview between his Excellency and the deputation. Dr. Gilhooly certainly made a painful statement as to the condition of Roscommon; but I have received a letter from a working man in Sligo, who says that so far from the working men there being in a state of destitution, they are in the most comfortable condition that can possibly be, and that the Corporation of that town did not exaggerate in the statement which they made to me. I am told that in Sligo, at the very time that deputation from Roscommon was waiting on the Lord Lieutenant, the best Indian meal was selling at 1s. 2d. per 14lb.; potatoes at 1s. 8d. the peck of 56 lb.; and new milk at 2d. per quart. Therefore, I say that the statements of Dr. Gilhooly were scarcely warranted by the facts. Then we have heard of the case of Berehaven, in the county of Cork, which is supposed to be one of the most destitute parts of Ireland. Yesterday morning I received a letter from Castletown, Berehaven, written by the Chairman of the Board of Guardians. It is a complete reply to many of the assertions that have gained circulation about the place. It is as follows:—

"I am the Chairman of the Board of Guardians of Castletown, Berehaven, a district considered to be one of the poorest in Ireland. When I, therefore, bear testimony to the general prosperity of my district, I think that the state of it may be taken as a fair criterion of the west of Ireland. . . . The present 'distress agitation' is easily traceable. . . . The landlords in this part of the country have shown great leniency to their tenants in the matter of rent, and have done their duty liberally in cases of real distress; and I think I express the opinion of most Irish landlords when I say that I should indignantly

reject any external assistance (even from Government) for any of my tenantry or neighbourhood."

I think that is a triumphant answer to the statement made at a public meeting, that the people were dying by hundreds. ["No; No."] It was stated that they were without food, and that if the Government did not come to their assistance, the landlords, instead of finding tenants, would not find a sheep to feed on their farms. There is a report from the Poor Law Inspector of the district which states that, though the farming classes have suffered, the number of paupers in the workhouse has not much increased. I have a letter from East Carbery, which is as follows:—

"Manch House, Enis Kean, County of Cork,  
Jan. 10, 1862.

"Sir,—It becomes my duty to enclose a memorial to his Excellency the Lord Lieutenant, unanimously adopted at a presentment session for the barony of the western division of East Carbery on the 8th inst. by the justices and cesspayers, to request a loan from the Government for the West Cork Railway. I have great pleasure to be able to state to you, for the information of his Excellency, that the labouring classes in this barony are fully employed at good wages, and that the famine cry lately attempted to be got up has proved a complete failure. The number in our workhouse is very few,

"I have the honour to be, Sir,

"DANIEL CONNER, J.P., Chairman of the magistrates and associated cesspayers for the Eastern Division of East Carbery Sessions.

"To General Sir Thomas Larcom."

Now, there was a very remarkable statement made, with regard to the Headford tenantry, by Father Conway to the Tuam Board of Guardians. It was that in the Headford district there were hundreds of persons in such want as to require the guardians to supply carts to carry them to the workhouse in Tuam. What is the answer made to that statement by Mr. Botterill, agent of Mr. St. George, the landlord of the Headford property—

"I was greatly surprised at the account given by him (the Rev. Mr. Conway) of the state of affairs in this neighbourhood (he writes from Headford, Nov. 27 (1861), of which I, for one, was completely ignorant, and I am glad to say, on reference to the books of the relieving officer, it appears that from the 1st of September to the 26th of November there have been but eight applications made to him for relief in his entire district, which embraces nine electoral divisions, an extent far beyond that of which Mr. Conway speaks, only three of which were from Headford property, and these applications were less by three than those made by the relieving officers during the corresponding period of 1860."

Expecting not to be answered, Mr. Conway goes forward, and makes that

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statement to raise a cry against the landlords. The hon. Gentleman read a letter from a clergyman named Fisher. The place to which it refers is the last I shall allude to. It is on the very extreme of the Roman Catholic diocese of Tuam.

MR. MAGUIRE: No; the place I referred to is Kilmore, in the West Riding of the county Cork.

SIR ROBERT PEEL: Is it? Well, the hon. Gentleman read a letter from Mr. Fisher. Now a Gentleman (Mr. D'Arcy) writing to a colonel in the army, gives to the statement made by the hon. Gentleman this triumphant refutation. He says—

"The fact is, an alarm has been raised by the priests to frighten the people and call in the aid of the Government, and thus local efforts have been checked."

That I can perfectly understand The writer went on to say—

"Because, although it is true that there has been pressure, and the price of fuel was raised—and I admit that several Roman Catholic priests were indignant at this—yet there has been no pressure with respect to food, and we have got a special coal fund. I have closely watched the state of the people, and I do not think I ever saw so large a market as we had last Saturday."

That was at the end of December. Then, as regards Galway, I have the testimony of my hon. Friend the Member for Galway, who, without my requesting his opinion on the subject, wrote to me to the following effect:—

"I have taken some pains to ascertain how things stand in my part of the world, and, as far as I can ascertain the real state of the case, it seems that there will be a sufficient supply of food."

The hon. Gentleman also referred to Donegal. I shall not, however, trouble the House by reading all the communications which I have received with regard to that district. I may at the same time be permitted to state that I have had a letter from Lord George Hill, who lives in the district of Gweedore, where great suffering existed, and who says he is satisfied a great improvement has taken place in his locality, and that the people all pay their rent.

I do not know whether I need refer to any other district for proving to the House and the country that the statements that great distress exists in Ireland are by no means correct. The fact I believe to be that the condition of that country is sound and satisfactory, and I may be permitted to allude to one or two points which will infallibly prove to the House that the view of the subject which I take is correct. In



support of that view, then, I may observe that in the year 1847, 20,986 cases of out-rage in Ireland were reported to the Government, while last year the number was only 3,581. [Mr. MAGUIRE: But then you do not take into account the difference in the population.] The difference in the population is, no doubt, considerable, but I defy the hon. Gentleman, with all his agitation of the other day, to succeed in making the people of Ireland disloyal, or to cause them in any way to act against the Government of Great Britain. In 1833 the Government passed an Irish Coercion Bill, and I recollect well its being stated the year before that £12,000 in the shape of rewards had been offered for the capture of criminals in that country, and that only two small rewards out of that amount had ever been asked for. I may add that in that year 196 murders took place, while last year there were only twenty-four, four of which only could be said to be of an agrarian character. I shall now take the number of evictions, which will furnish a fair criterion of the increased prosperity of the country. There were, I find, in 1850 actually 74,000 persons evicted in Ireland, while in 1861 the number was only 3,349. I have beyond these figures obtained comparative returns with respect to the counties of Lancaster and Cork which will, I think, afford a notable instance of the little reliance which is to be placed on the arguments with respect to the great distress prevalent in the latter county which have been used by the hon. Member for Dungarvan. I find from those returns that the number of persons in the workhouses in Lancashire—for, although unhappily there has been great distress in that county it has been nobly and generously borne by the people—is 15,900, the workhouse accommodation being for 20,858. I also find that the number receiving outdoor relief is 82,990, the population being 2,453,000; so that the percentage of the inhabitants of Lancashire in receipt of poor relief is four per cent, while in Cork it is only 1·48. But the hon. Gentleman will, perhaps, remind us that Lancashire is a manufacturing county, and that it is not fair to institute a comparison between it and Cork, which is agricultural. Well, then, I will take Norfolk, which I look on as an agricultural county, for the purpose of the comparison; and I find that in that county there are 426,000 inhabitants; that the number of in-door paupers is 4,740, the number of

out-door 26,000; while there is workhouse accommodation for 9,557, the total rate per cent receiving poor relief being seven, while in Cork, it is, as I said before, only 1·48. How then can the hon. Gentleman complain of the partial distress in Ireland, when there exists a still greater amount of distress in this country, arising from depression in trade and other causes. I would also remind the hon. Gentleman, that when he speaks of Ireland as suffering from a depression of trade, he ought to recollect that there are in that country, 1,600,000 acres under cultivation more than in 1853, while the population has become less by three-quarters of a million. I have, I may add, this day received assurances from seven or eight lieutenants of counties in Ireland entirely corroborating the statements which I have made. These assurances come from Lords Bantry and Bandon, the Lord Lieutenant of the county of Mayo, who writes to me to say that the distress from want of food has not been severe or general. Lord Ross, the Lord Lieutenant of the King's County, said—

“I am happy to say that there is no distress in this county, except in a few of the poorer districts. Fuel is bad, but, fortunately, the winter is mild; food is abundant, and not above the usual price, but there is a want of good fuel.”

Lord Waterford stated—

“Unfortunate as had been the result of the late harvest, the amount of destitution in this county at least is not beyond the compass of local resources to relieve.”

The hon. Gentleman has attacked the Poor Law system in Ireland, and stated that its returns afforded no just criterion of the sufferings of the people. I maintain exactly the contrary, for I am satisfied that there is no better test of the pauperism of Ireland than the applications made for out-door relief in that country. I have a letter from Cavan from one of the most liberal-hearted Irishmen that ever lived, Lord Farnham, a man who from time to time has done immense good in his district, and he says—

“Provisions of every kind are considerably cheaper than they were at the corresponding period of 1846, and there is ample employment for able-bodied men.”

I am afraid I have trespassed too long on the time of the House in bringing under its notice these details to refute the statements which have been made with respect to imaginary grievances in Ireland. The time, indeed, once was when real griev-

ances harassed and afflicted Ireland, and arrested her progress and retarded the development of her resources. I am, however, happy to think that the conciliatory policy of successive Governments, and the wise forbearance of the House of Commons, have brought about a great change in her condition, and that the Ireland of to-day is no longer the same as she was when another held the position which I have now the honour to occupy. I rejoice to see how vast are the strides which she has made in prosperity since the time when speculative doctrines of government and imaginary schemes of independence prevailed and were used as engines not for her welfare but to inflame the public mind and to stir up fresh sources of popular excitement. That time is at an end, and the people of Ireland now, I believe, have yielded to the good influences of the age in which we live, and to the efforts, for her regeneration, of wise and enlightened statesmen. Of the justice of that opinion no more remarkable proof can be adduced than that which took place the other day when there was danger of a rupture with America, and Ireland was filled with American emissaries who were trying to raise there a spirit of disloyalty. A meeting was then held in the Rotunda. I well recollect what took place there, at which a few manikin traitors sought to imitate the cabbage-garden heroes of 1848; but, I am glad to say, they met with no response. There was not one to follow. There was not a single man of respectability in the country who answered the appeal. And why is that so? It is because Ireland is changed. The thoughts of the present generation are, I am happy to say, directed into better courses. They are directed to acquiring sound principles of political economy, to the advancement of education, to the suppression of crime, to the reformation of criminals, and to the development of the resources of Ireland. Thus it is that Ireland is improving, and it is my firm conviction that the evidences of prosperity are daily becoming more apparent in that social and political harmony which happily now illustrates the union between Great Britain and Ireland. I thank the House for having allowed me to make these few remarks. If I speak every Friday night on the state of Ireland, I will do so with the greatest pleasure. But, at the same time, I will still continue, until facts are submitted to me to make me believe the contrary, to assert

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my deliberate and determined conviction that there is no famine—that there is no unusual distress in the sister isle.

Mr. DAWSON said, that he had no desire to prolong the discussion, but no Irishman who was properly jealous of the honour of his country ought by his silence to admit that the destitution alleged by the hon. Member for Dungarvan (Mr. Maguire) on the first night of the Session and again that night was either so general, or of such a nature as to demand extraordinary intervention from the Legislature. He acknowledged that a great amount of distress had prevailed in consequence of the inclemency of the weather for the last two seasons, the partial failure of several crops, and the difficulty of saving and procuring fuel. He was willing to admit that the distress had not been confined to the western and south-western parts, and that in the north of Ireland the weavers had suffered from a deprivation of their best market through the failure of the American trade, contemporaneous with a deficiency in the produce of the soil. While admitting a great amount of suffering, of which he had been a personal witness, he ascribed it to temporary and accidental causes, and he protested against any Imperial alms or rates in aid, while, as he believed, there were the means to provide relief within the compass and control of the resources of Ireland itself. It was only in exceptional cases of the direst necessity that it was the duty of the Government to feed a population, and he could not admit that this was one of those cases. In Londonderry, which he had the honour to represent, the actual number of paupers now receiving Union relief did not amount to a sixth of the number for which ordinary accommodation was provided. He had heard with pleasure the statement of his right hon. Friend the Chief Secretary, and he was glad to find that the statement of his right hon. Friend on a previous occasion, in which he avowed his reliance on the capability of Ireland, had been more than endorsed by the intelligent and reflecting portion of the Irish people. His right hon. Friend had truly stated that these were altered times, compared with the calamitous years 1846, 1847, and 1848, when a bankrupt proprietary had not the means, though he believed they had the inclination, to effect the salvation of the people, and that those who now possessed the rights of property were



perfectly able and willing to discharge the corresponding duties which attached to their enjoyment of those rights. No one who remembered the history of those years of calamity could desire to see repeated the well-intentioned but utterly futile schemes to give employment to the people—schemes which resulted only in the demoralization of the people, and in a culmination of embarrassment on those who had the misfortune to possess land. He could assure his hon. Friend the Member for Dungarvan that the citizens of Londonderry and himself were upon the best possible terms, and that they intended to remain so. His right hon. Friend had been most cordially received in that distinguished city, and would be received with the same warmth of feeling whenever he should visit it again. He hoped his right hon. Friend would continue to act upon his own, and those impressions, which were founded on the reports of persons best able to estimate accurately the condition and wants of the Irish people. He felt confidence in his right hon. Friend's administration of public affairs during an emergency which had already passed its worst stage, and, although he was not a supporter of the Government of which his right hon. Friend was the responsible officer, he admitted that he was proud of the sterling intrepidity of purpose which had characterized his right hon. Friend's administration, and which, if persevered in, as he believed it would be, must obtain the praise of all who recognised ability and success, distinct and apart from political and party considerations.

MR. BAGWELL said, he thought the discussion had arisen entirely from the animus of the remarks of the hon. Member for Dungarvan and the eccentric qualities of the right hon. Baronet the Chief Secretary. He did not see why distress in Ireland should be regarded in a different light to distress in England. There was distress in Ireland, but there was also distress in Manchester; in the one case it was a dearth of corn, in the other a dearth of cotton; but the people of Manchester did not come to that House for relief. There were the same local means of relief in Ireland as in Manchester, and he asserted that the landowners of Ireland were willing to supply the wants of the suffering population, and he was sure that it was the desire of every enlightened Irishman to work out his own deliverance. If

the distress entailed so large a tax upon capital as to endanger the prosperity of the country, then, and then only, it would be the duty of Government to advance loans, insisting on repayment when the evil time had passed. That Ireland was an exception to the United Kingdom was the fault of the Government. The repetition of personal discussions, such as they had heard that night between the Irish Secretary and the hon. Member for Dungarvan, would not tend to raise the Irish people or the Irish representatives in the eyes of the country. The sooner such exchanges of courtesies were put an end to the better. He believed that Irish gentlemen were fully aware of their responsibilities, and were quite ready to meet them; but to come to Parliament asking for aid, until it had been shown that they had done all in their power to meet the distress, would be endangering the future prospects of the country.

MR. VINCENT SCULLY said, he rose with much reluctance to take part in the discussion, but could not sit silent after the constant references to several localities in the county of Cork. He regretted that the right hon. Baronet should have imported into the debate topics which had no connection with the subject before them. He should not follow him into his "cabbage garden," or discuss "mannikin traitors" and "American emissaries." The question they had to consider was, whether there was distress in Ireland, and the extent of it. He did not understand how any person acquainted with that country could doubt the existence of great distress, though no one had asserted it was universal, or that there was danger of death from starvation. The Chief Secretary admitted that he had at one time apprehended severe distress, and had taken credit for active efforts to avert it; those efforts consisting in 1,600 printed circulars, some Crimean bread-carts sent into distressed districts, and a promise to send a Government steamer to the western coast of Ireland. The hon. Member for Dungarvan (Mr. Maguire) had concluded with a formal Motion for the production of Poor Law returns. He thought it might have been better to have made some substantive Motion—which might yet become necessary—such as a Select Committee to inquire into the extent of existing distress, and the best mode of relief. The only applications which had been made for any Government aid, as regarded the constitu-

ency with which he was connected, were, that well-secured loans should be made out of public funds for the construction of two railways towards the west of the county of Cork, which ought to receive encouragement even in prosperous times, and would confer imperial benefit, by contributing towards the national defences of such assailable harbours as Bantry Bay and Crookhaven. It had been further suggested that the War Office should expedite the erection of intended defence works at Bere Island. In no other form had he heard of any Irish begging-box having been presented to the present Government. He very much regretted that on this distressing subject any acrimonious tone should have been adopted by the combatants on either side; and he trusted such duels would not be renewed. The Irish representatives had no personal antipathy to the present Chief Secretary. Indeed, in one sense, he was rather a favourite with some of them; his excited style of address being more Irish than that of the Irish Members themselves. The right hon. Baronet had exhibited his inexperience most notably that evening by quoting, as conclusive authorities, Irish landlords and Irish police. He seemed to attach no importance to the deliberate opinions of half a dozen Catholic prelates, engaged in laborious visitations of their respective dioceses, as compared with the testimony of an anonymous working man at Sligo. He had also relied much upon a volunteer letter from the hon. Member for Galway (Mr. Gregory). In answer to that communication, he would now take the liberty to read another volunteer letter, addressed to the right hon. Baronet by one of the members for the county Cork—

"I have no wish whatever to raise or renew unprofitable controversies in the House of Commons, and I consider it the fairest as well as most useful course to communicate to you personally my grounds for believing (knowing, I might say) that extreme destitution now exists in some localities in Ireland; though freely admitting there is no absolute famine, and that many districts are still exempt from any unusual distress.

"The counties with which I am best acquainted are Tipperary, where I have property, and Cork, which I represent. As to those two counties (one-eighth of Ireland), I have already stated, as the result of local observation, that dairy and sheep farmers have had a good year, but that small tillage farmers had a miserable harvest; potatoes and wheat having failed, and oats being a deficient crop. Turf also could not be saved, owing to the wetness of the season. There may

be sufficient supplies of foreign food and fuel, but many persons have not the means to purchase.

"Enclosed are printed appeals from relief committees established in the comparatively wealthy towns of Cionmel and Tipperary; Mallow, county of Cork, also a rich district; Kanturk and Skibbereen. Among the subscribers you will observe clergymen of both denominations, and other faith-worthy names, including, at Mallow, a distinguished gentleman closely connected with your department.

"At Sligo, also, you will notice the mayor and town council, with the resident magistrate and sub-inspector of constabulary, about twenty justices of the peace, two M.P.s, and one noble proprietor (Viscount Palmerston), who contributes the liberal subscription of £20.

"You will, perhaps, collect from those appeals, as well as from others which may have reached your hands, that there is some extreme destitution in various localities; but that with few exceptions (such as Bere Island), it is still chiefly confined in each instance to some populous town, into which has been concentrated the accumulated pauperism of surrounding electoral divisions. Hence, as at Skibbereen, demands are again being made for union rating.

"I beg likewise to direct your especial attention to statements made at a public meeting in Kanturk by the Very Rev. Mr. O'Regan, P.P., a gentleman whom, from long and intimate intercourse, I know to be incapable of misrepresentation.

"The Mansion House meeting, in the Irish Metropolis, with its Lord Mayor and Catholic Archbishop, confirm provincial statements.

"Having taken the liberty to submit these evidences of local distress in Ireland, in a temperate and friendly form, I trust they may assist your other information to judge rightly for the good of the country."

He (Mr. Vincent Scully) had thought it his duty to address to the Chief Secretary that well-considered letter, accurately describing—perhaps rather understating—the existing distress. The right hon. Baronet had that evening heard a letter from the right rev. Dr. Keane. That Prelate, evidently writing under a sense of deep responsibility, and wishing to avoid exaggeration of any sort, after visiting his large diocese, which comprised about two-thirds of the county Cork, stated, that there should be no anxiety to prove too much or too little; there would be no famine, but distress severe and general had come upon the small tillage farmers, the shop-keepers in country towns, and the local tradesmen and labourers. The right hon. Baronet was rather too much addicted to act on his own impressions; and when he had formed that opinion, he not only did not care two rows of pins for all the Catholic bishops of Ireland, but, perhaps, had no greater respect for the opinions of those who sat with him on the Treasury Bench. The local gentry and larger farmers often went to Cork or Dub-

*Mr. Vincent Scully*



lin for their goods; consequently, when the small tillage farmers were ruined, the local shop-keepers followed; and the labourers and tradesmen were involved in the common calamity. It might be asked, why did not the destitute classes avail themselves of the relief in poorhouses? As to the small farmers, it should be remembered that the Quarter-acre Clause was still in active operation, which absolutely excluded them from all poorhouse relief, unless on the condition of reducing themselves and their families to perpetual pauperism. The Very Rev. Dr. O'Regan, P. P. of Kanturk, had stated that he had often advised his poor parishioners to enter the poorhouse, and had remonstrated with them on their feelings of false pride. That reverend gentleman was well known to several Irish Members on both sides of the House, having attended here last Session, when he gave most valuable evidence before the Select Committee as to the proposed Registration of Births, Deaths, and Marriages in Ireland. There could be no better-informed or more reliable witness, and in a letter dated Kanturk, February 18, 1862, he wrote—

“I have been incessantly engaged in efforts to relieve the frightful miseries of some of our poor people. Now that our funds are exhausted, they will, many of them being brought to death's door, go into the workhouse. Be assured there is great and deep distress at the present moment, and that the small farmers were never since the famine years, nor even then, reduced to a more pitiable extent.”

Without meaning to suggest the least imputation, he (Mr. Vincent Scully) would merely make the general observation that classes and individuals instinctively pursued their own interests. It was the interest of many landlords in Ireland to avoid, on the one hand, any appearance of such destitution among small tillage farmers as might afford an excuse for not paying their full rents, and to hold out the other hand for generous contributions to avert increased poor rates. Both in his present statements and in his letter to the Chief Secretary he had cautiously avoided all exaggeration or intemperate expressions. The letters read that evening by the hon. Member for Dungarvan had shown that the existing distress was rather more wide-spread than he had before supposed; but he understood the Right Rev. Dr. Gillooly to be of opinion that it did not as yet extend to more than 10 per cent of the population in his extensive diocese of Elphin. He trusted sincerely that the

anticipations of the Secretary for Ireland would prove correct, and that increased pressure would not hereafter be felt. He greatly feared, however, that the distress had not yet reached its worst. Among other testimonies to the improved state of Ireland the right hon. Baronet might have mentioned that in no place had any attempt been made to break open corn stores or to stop food-carts, such as had been made in 1846-7, nor had any person so much as suggested any such riotous conduct. In conclusion, he would again emphatically deny that at Skull, Skibbereen, or elsewhere in the county Cork, had any attempt whatever been made to excite the tenants against their landlords. On the contrary, he would confidently appeal to his hon. Colleague opposite, who differed from him in politics, whether there had not recently been much fraternization between both classes. [“Hear!”] He trusted such mutual good feelings would prove enduring and sincere.

MR. POLLARD-URQUHART said, he could corroborate what had been stated in regard to the reluctance of even the most destitute persons in Ireland to enter the poor-houses. It had been asked why the same complaints did not arise in England, which was equally subject to the vicissitudes of trade and bad harvests, as in Ireland. The reason was that in England distress was relieved without compelling the destitute poor in every case to go into the workhouses. One great difference existed between the circumstances of Ireland in 1846-7 and at present. Then there was no food. Now there was no scarcity of food, and every labourer who could find employment would be able to maintain himself and his family. He hoped the worst of the distress was nearly over. After the middle of March there would be no want of employment; indeed, it was a general complaint that there were in general not sufficient labourers to be found for the work to be done. He could not agree with the hon. Member for Cork as to the expediency of giving relief in the shape of advances for public works; the experience of 1846 and 1847 was against the proposal, and he hoped the Government, warned by the results of the past, would not again fall into a similar error.

MR. LONGFIELD said, that whilst admitting the ability and honesty with which the hon. Member for Dungarvan (Mr. Maguire) had brought the subject forward, as well as the purity of the in-

tentions and the warm-heartedness of the right hon. Baronet the Secretary for Ireland, he thought that the truth in this matter, as in many other cases, lay between their respective statements. He would endeavour to avoid both Scylla and Charybdis by steering between the two extremes in expressing his opinions as to the actual condition of the country. It was true that distress to a considerable extent prevailed in different parts of the country, especially in some localities in the south and west of Ireland. He thought that amongst the authorities quoted by the hon Member for Dungarvan the Roman Catholic Bishop of Cloyne had stated perhaps most accurately the actual condition of things. That right rev. prelate observed that, after the best consideration of the case, it was his opinion that there would be no famine in Ireland, but undoubtedly there was a considerable pressure. He (Mr. Longfield) would first refer to Skibbereen. He believed that the distress there was considerable, but he had the great happiness of knowing that that distress was met in the most proper way—namely, by the local exertions, the local energy, and the personal contributions of the landlords of the neighbourhood. They felt that the distress was an evil not brought about by man, but inflicted by Providence, and that the exertions of man were capable of mitigating it. He had a small property, unfortunately, there; he would that it were larger, and that it were elsewhere. As an Irishman, nothing gave him greater pleasure than paying a tribute of respect to a political enemy; and he was happy to acknowledge that the right hon. Baronet the Secretary for Ireland had evinced his anxiety to serve the most distressed districts and to develop the resources of Ireland generally. The conduct of the right hon. Baronet was most creditable to him, and he would probably accept that tribute of thanks with greater satisfaction as it came from one who was not an habitual supporter, but an habitual opponent of the Government. The hon. Member (Mr. Maguire) had referred to the West Cork Railway. He (Mr. Longfield) had not, and he never would hold a single share; but as a gentleman resident in that part of the country, and well acquainted with its resources—who would never be benefited by that railway if it were made, nor injured by it if it should not be carried out—he had no hesitation in stating his concurrence with the opinion of the hon. Member for Dungarvan that

*Mr. Longfield*

there could scarcely be a more judicious exercise of the paternal care of the Government than by aiding the progress of public works which were calculated to develop the resources of a great locality rich in everything that constituted real wealth when properly developed. The hon. Member for Cork County (Mr. Leader) and himself, in company with two gentlemen from Skibbereen, had waited upon the Secretary for Ireland, for the purpose of representing the resources of the district to which he referred, and the advantage of Government aid being given for their development. They were received by the right hon. Baronet in the most kind and sympathizing spirit. They did not speak of their poverty, nor solicit alms, but they showed to him the nature of their claims for assistance. He should be much disappointed, indeed, if the result of that statement was not followed up by the aid which they required. If it were otherwise, he should be disposed to attribute the disappointment to this unfortunate discussion, which, perhaps, in the ears of the right hon. Baronet, might sound like threats, censure, and coercion. He certainly could not attribute the failure to any want of sympathy on the part of the right hon. Baronet, believing that he took a deep interest in the welfare of the country. In reference to the case of Mallow, he regretted to say that the statement of the hon. Member for Dungarvan was but too true. He had made the fullest inquiries into the condition of that town; and he found out of its 5,000 inhabitants 1,000 were suffering considerable pressure. With a feeling of some little humiliation he made that confession; at the same time it was with the greatest pride he alluded to the exertions and the noble self-sacrifices which were displayed by the gentry of the neighbourhood in the relief of the distress. He was happy to say that those exertions had been already attended with much success. He did not agree with the hon. Member for Dungarvan in thinking that the state of the workhouses was no indication of the condition of the country. It appeared to him that it afforded a strong evidence of the condition of the people, by enabling the House to draw comparisons of the distress which prevailed from year to year. In 1860, on the 7th of January, the number of inmates in the Mallow workhouse was 240. In 1861, at the same period, it was



283; and in January, 1862, the number had increased to 366. The relief committee formed there, consisting of Protestants and Roman Catholics, Conservatives and their opponents, were working most harmoniously and energetically together, and their benevolent efforts were fast attended with success. Already the number of inmates in the workhouse had been reduced by twenty, and the distress in the towns had also been alleviated. In a short time that distress and pressure, now unfortunately severe in Mallow, would, he trusted, be completely relieved.

THE O'CONOR DON said, that he had not intended to take any part in the discussion, but the speech of the right hon. Baronet would compel him to address a few observations to the House. The right hon. Baronet had told the House that "this lament," as he had called it, had not come in any way from the landlords, or from the tenant-farmers of the country, or from any one at all acquainted with the real condition of the people; he said that it had been tinged with exaggeration, that it had been urged by passion, that the knowledge of the parties with whom it originated was limited and of a very subordinate character. Such having been the language of the right hon. Baronet, he (The O'Conor Don) felt that as a landlord in the west of Ireland, and in one of its most distressed counties, he could not sit silent. Another reason was, that he had had the honour of waiting on his Excellency, as the head of a deputation, to lay before him the condition of the country. That deputation consisted not of parties unacquainted with the condition of the people, not of persons whose knowledge was limited or of a subordinate character; it was composed almost entirely of landlords, most of them resident, most of them magistrates, and most of them *ex officio* Poor Law guardians. Now, the right hon. Baronet laid great stress on the statement of an *ex officio* Poor Law guardian, even without giving his name. He would briefly state a few of the facts which the deputation put before his Excellency. They presented petitions signed by the most respectable persons in fifty parishes of the counties of Roscommon and Sligo—men of every religious denomination and of different political views—and their statements were to this effect:—That there were about 5,000 persons holding small farms who were likely to be distressed, that there were

over 9,000 persons in those fifty parishes who possessed no land at all, who were mere labourers, dependent on their earnings, and who were also likely to be distressed; also, that the failure of the potato crop was about three-fourths, that of the oat crop one-fourth, while there was a complete and total failure of fuel. Those statements were laid before the Lord Lieutenant, and the right hon. Baronet was present on the occasion. The right hon. Baronet had every opportunity of inquiring into the accuracy of those statements; the deputation did not wish that they should be taken solely upon their authority, but that every means should be adopted for testing their truth. What, then, was his astonishment when the only answer that the right hon. Baronet was able to give to those statements was simply a letter from a working man at Sligo—a working man whose name he did not communicate to the House? But the whole speech of the right hon. Baronet greatly astonished him. He was prepared to hear that the distress did not amount to famine, that it would not warrant the Government in giving any very extensive relief, but he was hardly prepared to hear that the sufferings of the people were imaginary, and that the condition of the country was sound and satisfactory. During the last autumn and winter he had been a constant resident in the country; he had had, perhaps, not very enlarged opportunities of discovering the condition of the people; but, as far as he could judge, he had come to the conclusion that the state of the country was very different from that represented by the right hon. Baronet. He thought it unnecessary to go again over the same ground as the hon. Member for Dungarvan had already occupied, but he desired the right hon. Baronet to go to the Quarter Sessions and ask the barristers who presided over the Small Debts Courts whether they believed that the condition of the country was sound and wholesome? If it turned out that they were obliged to continue their sittings longer than usual in order to clear off the extraordinary number of cases, he would ask the reason of that. Was it because the debtors wished to have the pleasure of paying the costs, or of patronizing some local attorneys? Certainly not. It was simply because they could not meet the demands made upon them. Let him ask the bankers, too, whether they had made no alteration in their

practice of lending money, and had not refused credit altogether, because they feared to trust those whom they knew to be in abject distress. Speaking from his own experience, he could state that in that portion of his county (Roscommon) in which there were many small tenants and small landowners, the greatest distress prevailed in consequence of the failure of the potato crop, on which those persons and their families usually depended for subsistence. What, on the other hand, were the proofs adduced for the purpose of making the House believe that the condition of Ireland was wholesome and satisfactory? First, there was the experience of the right hon. Baronet, who told the House that he had witnessed with his own eyes the state of Ireland, and that he accomplished this feat by spending more than three days in travelling over 300 miles of the country. He would leave that testimony to the judgment of the House, and pass on to the argument respecting the number of people in the workhouses. Notwithstanding what had fallen from the hon. Member for Dungarvan, the right hon. Baronet still maintained that the state of the workhouses was proof that there was no great distress, but the repugnance of the people to enter the unions, rendered that test, except incidentally, a perfectly fallacious one. It had been argued that, as there was abundance of provisions in the country, there could be no real or positive distress. That he did not admit. When the right hon. Baronet visited Sligo, a deputation told him that there was abundance of grain to meet the necessities of the country, but that there were certain poor people on a neighbouring mountain who had not got much money, and that the grant of a little would enable them to come down into the town and purchase at their stores. That last addition to their representation was sufficient to show that with plenty of provisions in a country there might still exist distress. But it might be urged that provisions were cheap—and he would admit that in the part of Ireland where he resided the price of oats was low; but that was rather an aggravation than an alleviation of the distress, for the persons who suffered most severely by it were the small holders of land, who, in consequence of the failure of the potato crop, which usually served as their means of subsistence, were obliged for their support to sell their grain at a depreciated value. Another consideration was that the crop of the previous year had

*The O'Connor Don*

been a bad one, and so when the present failure occurred the creditors came down upon the small farmers, and what crops they had were forced into the market, causing a fall in the price. That, however, instead of palliating the evil, proved its existence and aggravated it. These very persons might be compelled hereafter to buy at a higher price than they had sold for, and the corn merchants would then alone gain the benefit. Nor did he see that the distress was likely to become less as the season advanced, for the failure in the crops would not be remedied until the next harvest. If, indeed, the distress were confined to the labouring classes, it might be diminished as spring advanced and the demand for work increased. But it was not the ordinary frequenters of the workhouses who had suffered most. The statement of the right hon. Baronet as to the condition of the country was exaggerated. He did not mean to say that the distress approached that of the famine year, but in certain parts of the country there existed the utmost destitution and misery; and this had been recorded not by men whose information was limited and subordinate, but by those well acquainted with the country. He was no professional or disappointed agitator. He stated nothing from any other motive than because he believed it to be true. He was a landlord in one of the distressed districts, and had nothing to gain by making out the distress to be worse than it really was. The only proofs produced by the right hon. Baronet consisted of letters from different persons in different parts of Ireland, stating that they did not believe the distress to be so great as was represented. These statements might be correct, for no one had alleged that the distress extended over the whole country, but in other parts the existence of distress was undoubted. Then the right hon. Gentleman referred to the large number of pigs exposed for sale in Ballinasloe and other fairs, and inferred from this fact that the country must be prosperous. But the fact rather seemed to tell the other way, and to show that the people had been compelled to part with their pigs from the want of other food on which to support themselves. As to the argument that the Poor Law Inspectors in some districts had presented satisfactory returns, it might well be that the distress was confined to certain districts only; but if it could be shown that much distress



prevailed there, it could hardly be said that the sufferings of the people were imaginary, and that the condition of the country was sound and satisfactory. He might be asked, "Why raise this cry of distress? Why drag before an English audience the sufferings of your country, if you do not expect thereby to alleviate those sufferings?" He confessed that he felt no pleasure in raising the cry of distress, and would much rather declare that the people were happy and prosperous; but when it was alleged here and elsewhere that exaggerated statements had been made on this subject by the clergy, by landlords, magistrates, and Poor Law guardians, he thought that Irish gentlemen were bound to state their opinions publicly in that House. To bewail or parade their grievances was not a characteristic of Irishmen. Irishmen would endure as much as any other people to preserve their character, and they had, he hoped, as high a sense of honour and as acute a sense of shame as any other nation. He, therefore, regretted the necessity of that painful discussion. It was humiliating to an Irishman to have his country pointed out as a country which was unable to support itself; while, on the other hand, if he admitted that the present severe distress was imaginary, he would be mocking the sufferings of his afflicted countrymen. When the appeal was made to foreign countries for the relief of the misery produced in France by the inundation of the Rhone, or when, not long ago, the inhabitants of British India appealed to the people of England and Ireland for the relief of their distress caused by famine, no one pretended that such appeals were disgraceful to those by whom they were made. Nor, again, was there supposed to be anything humiliating in the fact that a subscription was opened throughout England and Ireland for the families of the sufferers by the unhappy catastrophe at the Hartley Colliery. Why, then, should the Chief Secretary for Ireland, when a dire calamity had befallen that country, get up in his place and taunt those who were endeavouring to elicit the sympathies of the humane with handing round the begging-box, or with doing what was humiliating and disgraceful? He entirely repudiated that imputation, and he would tell the right hon. Baronet that his speech was a lamentable failure, for it had not overturned, or even attempted to overturn, a single argument put forward by the hon.

Member for Dungarvan. The statements that had been made respecting the distress in Ireland were substantially correct, and, at least, if they had been capable of refutation the right hon. Baronet ought to have refuted them. Some hon. Gentlemen, while acknowledging that considerable suffering existed, had yet maintained that the resources of the country were of themselves quite adequate to meet it. That, however, was not the spirit in which the right hon. Baronet had dealt with the question. He, on the contrary, asserted that the alleged distress was unsupported by any authority to which weight could be attached. [SIR ROBERT PEEL: "Hear, hear."] No doubt the right hon. Baronet was sincere in his own opinion, but he could tell him that the reports of distress were supported by the testimony of landlords, magistrates, and clergymen, who were well acquainted with the real condition of the country, and whose veracity could not be impeached. In conclusion, he had to thank the House for the patience with which it had listened to him, and to assure it that he would not have trespassed at such length upon its indulgence had he not felt that the question raised that night was not merely a question between the right hon. Baronet and the hon. Member for Dungarvan, but one in which every Irishman, and above all every Irish landlord, was deeply interested.

MR. LEFROY said, that he regretted that the discussion had not been allowed to terminate immediately after the close of the right hon. Baronet the Chief Secretary's able and convincing speech. He could not understand what object was to be served by prolonging the debate; and it was not pretended that a case had been made out for demanding assistance from the Imperial Exchequer. He had himself been much surprised to hear the hon. Member for Dungarvan's statements as to the alleged general and pressing distress in Ireland, and had felt strongly inclined at the time to get up and contradict some of them. Coming from the centre of Ireland, he could state that food was abundant in that part of the country; and though fuel was certainly scarce, the deficiency of that article had been greatly made up for by the contributions of the landlords, especially of those whose estates were well-wooded. The right hon. Baronet had satisfactorily answered the allegation of the hon. Member for Dungarvan; and it was to be hoped that, while Ireland was

quite able to relieve its own distress, its miseries would not be dragged unnecessarily before that House.

MR. WHALLEY said, that he considered that, in the course of the debate, hon. Members had entirely wandered from the subject. The Government had been charged with ignoring the distress which they were called upon to relieve. One part of that distress, it appeared, arose out of unfortunate bill transactions into which some of the small farmers and dealers had entered; was the Government to interfere for the protection of parties who had placed themselves in that position? The whole case as originally stated entirely fell to the ground. There was one point, however, on which he wished the right hon. Baronet the Chief Secretary for Ireland had been more explicit. Who had raised the cry of distress? The right hon. Gentleman should have traced the evil to its real source. He said it was not the landlords or the middle classes who had raised the cry; but he should have gone a little further, and either entirely acquitted the priesthood or boldly charged them with complicity in, or with having originated this most injurious agitation. He was afraid, from what occurred in 1847, that it was the priests, and the priests alone, who were at the bottom of it. At that time, he admitted, many of the priests behaved in the most admirable manner; but in the west of Ireland, where he went with many others to relieve the distress, he had heard it stated in more than one chapel that the million of money then subscribed was only an acknowledgment of the great debt which, as Mr. O'Connell at his monster meetings always told them, England owed to the Irish people, and that the mess of pottage then offered them was intended as an acquittance. That was the way in which the priests, trained and supported by public money, at Maynooth, forgetting their duty to the Government and the people, had spoken of the great exertions which were then made to relieve the distress existing in Ireland; and the very same parties now, for their own purposes, had raised the cry of distress.

MR. BRADY said, that he sincerely regretted that any feeling of animosity should exist, or any personalities should be allowed to pass between hon. Members on different sides of the House, believing as he did that both had the welfare of the country at heart. He could not, however, admit that the distress existing in

Ireland had been exaggerated. In that part of the country with which he was connected the distress was very great; and, as a proof, he could state that the number of cattle was less by one-third than it was five years previously. He hoped, therefore, that means would be taken to alleviate its pressure and encourage the people to bear up under it. He trusted that the present discussion, however disagreeable in some respects, would lead to good results.

Amendment, by leave, *withdrawn*.

#### THE IRON PLATE COMMITTEE.

##### QUESTION.

SIR FREDERIC SMITH said, he wished to ask the Secretary to the Admiralty, When he expects to receive the Report of the Iron Plate Committee, and whether he intends to lay it upon the table of the House? They were building iron-cased ships of war to a great extent, and the time had arrived when they ought to know whether they were constructing them on a correct principle. It would be recollected that about the middle of last Session a Committee was appointed by the Admiralty, in conjunction with the War Office, to consider what should be the strength of the iron plates. The members of the Committee were able men, and they were presided over by an excellent officer, Sir John Hay. They had been sitting for several months, and it was time the public should be told what had been done. The Government were building these ships in ignorance of what the strength of the iron plates should be, which was beginning at the wrong end, and he should like to know why the Report of the Committee had not been published before. As long ago as 1855, it was quite clear that men-of-war, however constructed, ought to be cased with iron, and yet, until the preceding year, no experiments were attempted upon a large scale. It appeared to him that if due energy had been exhibited, and if proper resources had been placed at the command of the Committee, they would have had a Report of one kind or another long since. He understood that the Committee had been making experiments with two guns on two plates, but in a matter of such vast importance they should have been experimenting with twenty guns on twenty different plates, and any required number of men should have been placed at their disposal. No blame was to be at-

*Mr. Lefroy*



tached to the Secretary to the Admiralty. The noble Lord had taken a great deal of pains in the matter, and the country owed him a debt of gratitude for his exertions in sending a fleet and transporting a large body of troops across the Atlantic. It was of great importance, however, that they should know how to construct their iron-cased ships so as to obtain the necessary strength and stability, and he trusted the noble Lord would do everything he could to forward the labours of the Iron Plate Committee.

#### HOLYHEAD.—QUESTION.

COLONEL DUNNE said, he rose to ask the Secretary to the Admiralty, Whether the Government intend to complete the pier of Holyhead, which had been so long promised, and when? Three years had elapsed since the necessity of a new pier at Holyhead, for the Dublin packets was recognised by the Government, and yet, up to the present moment, nothing had been done. He hoped the noble Lord would be able to inform the House when the works were to be commenced. Nothing could be more unsatisfactory than the existing state of things.

LORD CLARENCE PAGET: Sir, in reply to the hon. and gallant Member for Chatham (Sir Frederic Smith), I cannot at this moment state exactly when the Report of the Iron Plate Committee will be made, because three very important experiments have still to come off. Those experiments are so important that the system of plating our iron-cased ships may be said to depend upon them. I believe they will be made next week. No fewer than three great authorities have proposed plans which must be thoroughly tested. One of these plans is by Mr. Fairbairn, who is himself a member of the Committee; another is by Mr. Scott Russell; and the third is by Mr. Samuda. We have prepared targets to represent sections of the side of a ship such as the *Warrior*, and the plans I have mentioned will be tried, I believe, in a few days. Upon that result depend our future proceedings with respect to iron-cased ships. I cannot admit to the hon. and gallant Member that the Iron Plate Committee have shown anything like slackness. They have had to carry out a vast number of experiments, and the question is one of immense importance, not to be dealt with in a short time. It involves the trial of all kinds of

iron and various sorts of plates—hammered plates, rolled plates, and steel plates, together with the modes of fixing them; and, in fact, the wonder to me is, that the Committee have made so much progress within so short a period. I hope, however, that we shall have a Report before long. Of course, I cannot now state whether I shall be able to lay it before the House. That will depend upon the nature of the Report itself.

In answer to the hon. and gallant Member for Portarlington (Colonel Dunne), I have to state that nothing could be more unsatisfactory than the present state of the pier at Holyhead. That question has been afloat for a good many years, and we at the Admiralty have had all kinds of plans submitted to us. The original plan by Mr. Rendall, but which has at various times been altered and modified, and which would have cost half a million, was submitted to competent officers connected with the Admiralty; and they pronounced that if it were carried out as proposed, the packets would not be able to come alongside the pier at all during bad weather from the northward. There was a great deal of reason in what they said, namely, that if you made a pier parallel to the breakwater, and thus drove the sea, as it were, into a *cul de sac*, there would be such a commotion that vessels would be unable to get alongside the pier. The next suggestion was, that we should improve the present pier, which is undoubtedly very inconvenient, especially for passengers. I think it ought to be improved; but our engineers say that as long as there is a question of building a new pier, it will not do to lay out any large sum of money upon it. My own opinion is, that the best plan would be so to improve and strengthen the present pier as to enable it to give sufficient shelter to the packets and passengers as they come in. The whole subject, however, is still under consideration. Meanwhile, I may tell the House that another plan has been proposed—namely, to construct a pier upon an entirely new system. This system has, I believe, been adopted in the Isle of Man, and a pier constructed in accordance with it would, it seems, be much less costly than the great pier which I have mentioned, and which it was originally proposed to erect. The plan has been sent to the local authorities at Holyhead to report upon, and I hope in the course of a month to be able

to give my gallant Friend a more distinct answer as to what we intend to do in the matter.

#### EDUCATION—THE REVISED CODE OF REGULATIONS.—OBSERVATIONS.

LORD ROBERT CECIL said, he rose to call the attention of the House to the case of the Derby Road School, Nottingham, to which the provisions of the Revised Code had been partially applied, notwithstanding the announcement that those provisions would be suspended until they had been submitted to the judgment of Parliament. The managers of the school in question had applied in the ordinary way for a grant of books and apparatus which would have been given as a matter of course under the operation of the old Code to all schools which had not received any grant for three years. The managers, in making the application, observed that it was more than three years since they had received a similar grant, adding that as the new Code, which cut off all book grants, had not come into operation, they apprehended there would be no difficulty on the part of the Committee of Education in complying with their request. In reply a printed form was sent to them—a circumstance which showed that the same answer was generally returned to similar applications—and in that communication, which was dated 29th January, 1862, they were told that the Committee had ceased to make grants in the shape of books and maps. Now, the matter might be a very small one, but it nevertheless involved a direct breach of faith with the House, the managers, and the public generally; and he could not but complain that the school in question had been dealt with as he had described on the mere fiat of the right hon. Gentleman opposite (Mr. Lowe), who had acted suddenly and precipitately, before Parliament could be invited to express an opinion on the subject. He might add that the managers of the schools might have been able to get on without the assistance of pupil-teachers, had it been deemed expedient to dispense with their services; but they could not do equally well without books and maps, which, though cheap, were more essential to the working of a school than anything else. The breach of faith involved in the proceeding was, therefore, he could not help thinking, quite as great as if the £250,000 expended on pupil-teachers had been withdrawn. There was another matter also with re-

*Lord Clarence Paget*

spect to which the Revised Code had been brought into operation, though no direct breach of faith was involved—he alluded to the circumstance that pensions were, under its provisions, refused to all masters. Now, under the old Code it lay within the discretion of the Committee of Council to grant those pensions, which were, he believed, invariably given in cases in which a good claim to them could be established, while it seemed the order issued at present was that they were to be invariably refused. But, be that as it might, he felt he had said sufficient to prove that the Committee of Council had observed only in a partial and limited manner the promise which they had made to Parliament.

MR. LOWE said, that as the noble Lord had not given him notice that he was about to advert to the question of pensions, he was not prepared to furnish him with those details connected with the subject which he should otherwise have been in a position to supply. The noble Lord, however, was mistaken in supposing that these pensions were invariably granted, but the time for dealing more particularly with such claims would not arrive until after the period fixed for the Revised Code to come into effect. So far, however, as he knew, there had been no refusal of a pension on that ground; indeed, he himself had entertained several claims for pensions since the beginning of the present year. In reply to the other question to which the noble Lord had called his attention, he might observe, that although no doubt book grants were very generally given at the commencement of the present educational system, yet the aid thus afforded was exceedingly small. Those grants had become burdensome and expensive, rendering necessary the employment of a large staff of clerks, and the Royal Commission had reported strongly against them, and it was the wish of the Committee of Council to put an end to them. That wish could not, however, be carried at once into effect, inasmuch as it was necessary to give a somewhat long notice to the Messrs. Longman, who were the agents employed by the Committee in carrying out the necessary arrangements. That notice had been given, and when the Minute was introduced, one of its provisions being the abolition of book grants, the Messrs. Longman, who had behaved exceedingly well in the matter, had offered very liberal



terms to the managers of schools, who, in fact, lost comparatively little by the change, by which a considerable saving to the public was affected. The operation of the Minute had, it was true, as the noble Lord said, been postponed, and technically that portion of it relating to book grants had of course also been suspended. The Committee of Council had, however, found it to be impossible to retrace their steps. The matter had got into the hands of the trade, and the greatest inconvenience to the public and the managers of schools themselves would have been the result of adopting any other line of action than that which the Committee had pursued. They had, therefore, in the exercise of that administrative discretion which was vested in every Government office, taken upon themselves the responsibility of withholding these grants. A public department was not like a court of justice bound to carry out in every instance the strict letter of the law, without reference to the mischief which such a course might involve, and he, for one, was of opinion that more mischief would be occasioned by continuing the grant than by declining to give it in future. The Committee of Council, in short, acted to the best of their judgment in the matter. Their object was to obviate unnecessary confusion, and it never entered their minds to break faith with the public.

MR. LYGON said, he would beg leave to ask, When the notice of which the right hon. Gentleman spoke had been given to the Messrs. Longman?

MR. LOWE said, he thought in April or May last.

MR. DISRAELI said, he thought no sufficient answer had been given on the part of the Government to the question of his noble Friend. The right hon. Gentleman opposite did not deny that under the existing regulations the application for books made by the managers of the school at Nottingham ought to have been complied with, and his defence for having met the application with a refusal was unsatisfactory. It was, he said, necessary to make some arrangements with the publishers, but then those arrangements ought not to have been anticipated on the presumption that the Revised Code would be adopted by Parliament. That was the ground of the complaint then made. The case adduced by his noble Friend was not, it was true, one of primary importance, nor so great as many

others involved in the Revised Code; but, if there was one thing more remarkable than another in the mode in which it had been attempted to force the new Code on the public, it was the want of tact and conciliation with which the minute had been introduced to public notice. For his own part he could not help thinking that, as the right hon. Gentleman was prepared to make considerable demands on the forbearance of the public, it was desirable he should not have gone out of his way unnecessarily to alarm and offend them by taking any steps involving a great violation of the still existing minutes. The right hon. Gentleman ought to have waited to see whether the new scheme was sanctioned by the approval of Parliament and of the country. They were not then considering whether the existing Minutes were good or not. The House had sanctioned them, and the people were acting upon them; and certainly, so far as the law was concerned, the right hon. Gentleman had not a leg to stand upon, and had given no answer whatever to the question of the noble Lord. The right hon. Gentleman had spoken of the administrative discretion which was necessary in public affairs, but in this matter there had been a total want of discretion. That, after arrangements had been made for the discussion of this important question by Parliament, the feelings of the public should have been so unnecessarily offended by the violation of the existing Minutes, showed a great want of that administrative discretion upon which the right hon. Gentleman had dilated.

#### ITALY.—QUESTION.

MR. DARBY GRIFFITH said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether the English Minister at Turin had lately been directed to communicate to Baron Ricasoli any remonstrance on the part of the English Government against the late popular demonstration in Italy against the continuance of the temporal power of the Papacy; or whether, in point of fact, he had made any communication of that character to the Italian Minister, either alone or in conjunction with the French and Prussian Ministers? A remarkable correspondence between M. Thouvenel and Cardinal Antonelli had been lately published in the French blue books. In a letter forming part of the correspon-

dence, dated the 18th of January, the following extraordinary expressions appeared. After complimenting the French foreign Minister upon the interest France had always evinced in the affairs of the Holy See, Cardinal Antonelli wrote:—

"It is not true that there is any disagreement between the Holy Father and Italy, although there may be with the Government of Turin."

When that expression became known a general explosion in Italy ensued, and the States of Florence, Parma, and Milan published strong denials of the statement, adding that the feeling of Turin was the feeling of Italy. The Government, however, had taken the prudent course of discouraging these manifestations, and had advised the prefects throughout the country to quiet the people. They stated that the Government did not wish its exertions to be impeded by ill-judged enthusiasm or clamorous manifestations. But Baron Ricasoli replied to the representation made to him, that he would not put down these demonstrations at the point of the bayonet. The municipality of Milan then recommended the citizens to embody their feelings in an address acknowledging the Sovereign Pontiff as head of the Church, but recognising Victor Emmanuel as King of Italy. That course was adopted; but notwithstanding the temperate character, the French Government were dissatisfied, and explanations passed between M. Thouvenel and Signor Nigra. He desired, therefore, to know what had been the conduct of her Majesty's Government in the matter. It appeared to him that there was nothing reprehensible in the proceedings either of the people or the Government of Italy. No Englishman, he thought, could disapprove of what they had done; on the contrary, English sympathies must be enlisted in their favour. The relations of France with Rome appeared to be very peculiar. The Holy See had lately published a requisition to all the Roman Catholic Bishops to assemble at Rome on the 1st of May, to celebrate the canonization of the so-called martyrs of Japan; but the French Government had expressed its regret at that request having been made, and intimated that no French bishop would be permitted to receive a passport for Rome unless his journey was necessary upon urgent diocesan business. He hoped Her Majesty's Government had given no ground for the belief that the popular demonstration in Italy had given umbrage

*Mr. Darby Griffith*

to this country. A society called "The Italian Unity Society" at present pervaded all Italy, and its Florence branch had only the other day proposed to the Genoese branch that they should petition to have that part of the constitution abolished which declared the Roman Catholic religion to be the religion of the State. It is evident, therefore, that a longer resistance on the part of the Pope would jeopardize not only his temporal but his spiritual power. He hoped Her Majesty's Government had not allowed itself to be mixed up in the matter.

VISCOUNT PALMERSTON said, that it was quite true that in almost every part of Italy there had been a strong manifestation of an earnest desire that Rome should be the central capital of the Italian Kingdom, and that the temporal power of the Pope should cease. He believed that feeling had been nowhere more strongly felt or more decidedly expressed than in the city of Rome itself. Her Majesty's Government, however, had taken no part in regard to those opinions, and no instructions had been given to Sir James Hudson to make any remonstrance on the subject to the Government of Turin; nor, as far as he was aware, had Sir James Hudson taken any step on his own authority. There was, therefore, no truth in the report, if such a report was current, that Sir James Hudson had, in concert with the Austrian and Prussian Ambassadors, addressed a remonstrance to Baron Ricasoli against the expression of national feeling in favour of Italian unity.

#### LEICESTER SQUARE.—QUESTION.

SIR WILLIAM JOLLIFFE said, he desired to ask the First Commissioner of Works, Whether there was any early prospect of the improvement of Leicester-square. Leicester-square was certainly not a fashionable quarter, but he had felt considerable shame, as an inhabitant of this City, at the state in which the square at present stood. It was worse than that of any place in any other city in the world that he knew of. The past history of the square had been a very mysterious matter. Since the statue, once erected as a memorial of one of our monarchs, had disappeared, and the large building at present standing had been erected, heaps of ashes, mixed with rags and shavings, and other decayed matters had been allowed to accumulate there. Foreigners were likely



soon to visit that locality, and they would consider it perfectly fabulous that, while enormous sums were expended in sanitary improvements under ground, such an amount of rotting rubbish should be allowed to remain on the surface. It was really a matter in which some steps should be taken with a view to removing the nuisance.

MR. COWPER said, he quite agreed with the hon. Baronet that the appearance of Leicester-square was not such as could be desired for the head-quarters of foreigners; it had long been the stigma and opprobrium of the metropolis. The case was mysterious, and he was afraid he could not give any satisfactory account of it. It appeared that there was some doubt as to the legal estate in the soil, but some time since all the parties having rights over the square consented to the erection of a building, which they were told would be temporary and ornamental. A building had been erected, which certainly was not ornamental, and did not appear to be temporary; for although the lease had expired, there were yet no signs of its removal. The Crown had no power to interfere, and he could, therefore, hold out no prospect of an alteration of the present discreditable state of things. He should regret that any square should be built upon, and had rather that the owners, imitating the example of the benchers of the Temple, should afford to the public opportunities of enjoying the advantages afforded by these open spaces.

Main Question put, and *agreed to.*

#### SUPPLY.

Supply *considered* in Committee.  
House *resumed.*

#### MARKETS AND FAIRS (IRELAND) BILL. SECOND READING.

Order for Second Reading read.

*Moved*, "That the Bill be now read a Second Time."

MR. M'MAHON said, he felt it his duty to oppose the bill. It made a vital difference between the law of England and Ireland on the subject. He regretted that such a Bill had been brought forward, as it would be far better to give Ireland the benefit of the Local Government Act. There were some regulations so outrageous in the measure that he thought it ought not to go to a committee. By the 12th section, buyers and sellers of certain articles, such as potatoes above 14 lb., and

butter above 7 lb., were to be subject to a fine of 40s. if the goods were not weighed. It was monstrous that if parties for mutual convenience dispensed with the weighing, they should be fined. By the 36th section, farmers assembling together for the purpose of selling their property were liable to be suppressed. The right hon. Baronet naturally knew very little of the details of Bills such as the present. He found them in the pigeon-holes of the Irish Office and brought them in as a matter of course. Although it contained a number of provisions, he maintained that the real object of the measure was to enable owners, or persons professing to be owners, of these markets to increase the tolls they at present received, or to levy tolls where they did not now exist.

LORD NAAS said, the hon. Gentleman had entirely mistaken the principle and object of the Bill. In 1852, in consequence of the prevalence of very great abuses, the Lord Lieutenant issued a commission, which, after patient inquiry, reported the existence of frauds of an extraordinary nature, and of chicanery and disreputable contrivances of every kind. In consequence of the outcry which that report gave rise to, a Bill was introduced into Parliament; and though it had not been successful, the efforts of all Chief Secretaries for Ireland since that date had been directed towards the same object. The aim which they had in view was to compel the present owners of tolls to do something for the money which they received in the way of affording accommodation to the public. It was impossible that the Bill could be used for the purpose stated by the hon. Member for Wexford, for tolls would only be sanctioned by the public where a public benefit was conferred, and the measure would have the direct effect of preventing private tolls from growing up as they had done under the old system. One of the clauses to which objection had been taken, was directed to the suppression of nuisances, such as those arising from the remnants and dregs of that classic celebrity, Donnybrook fair. The fair green itself had been bought up by the inhabitants of the locality, but a patriotic individual owning a public-house in the neighbourhood—he was afraid the individual was a lady—had thrown open a field in which a small fair was annually held, and a great deal of drunkenness and irregularity took place. The Bill differed mainly in point

of machinery from the measure which he had the honour of introducing in 1852; and believing it to be sound in principle and greatly needed in practice, he willingly gave his support to the Motion for the second reading.

LORD DUNKELLIN observed that every hon. Gentleman connected with Ireland must be aware of the want of accommodation for fairs and markets in that country. On various points in the Bill—such as the compulsory weighing, and the payment of tolls on articles sold—some exceptions might be taken; but he thought, on the whole, that the principle of the Bill was good, and he therefore hoped that hon. Members would settle their differences in committee.

MR. LONGFIELD assured the House that the object of the Committee had been to obtain for the people the utmost accommodation consistent with law. The question of tolls they had regarded as one of secondary consideration. The Bill as a whole would prove beneficial, and he hoped the right hon. Gentleman would proceed with it.

MR. VINCENT SCULLY was rejoiced to be able to give his full assent to the Bill. The Bill was an exact transcript of the results to which fourteen Irish gentlemen had arrived in Committee, and therefore it could not with any accuracy be called the Bill of the present or preceding Government. The principle of the Bill was that those who took the tolls should provide adequate accommodation for the public, which seemed to be just. He hoped that hon. Members would agree to the second reading without further opposition, and that a reasonable time would be given to the people of Ireland to consider its provisions before it came to be considered in Committee.

MR. HASSARD said, he also would express a hope that the Bill would be read a second time without further opposition.

MR. BRADY said, that while approving of the Bill generally, he objected to the clause which rendered it necessary that the corn or other commodity to be purchased in the markets of Ireland should be weighed at a public weigh-house. Such was not the state of the law of England. He considered this regulation to be highly oppressive.

SIR ROBERT PEEL intimated his intention to persevere with the Bill, notwithstanding the almost solitary opposition of the hon. Member for Wexford. He thought

*Lord Naas*

the provisions of the Bill necessary to prevent oppression and extortion. It was quite a mistake to say that the Bill had been taken out of a pigeon-hole in the Castle and thrown on the table of the House. That was quite a mistake; the details of the Bill had been very carefully considered. He was sorry to hear from the noble Lord that a lady was the owner of the fair at Donnybrook. Notwithstanding the apparent want of gallantry of the step, he must persist in preventing her from holding that fair. The Bill was really so much wanted, that the great object was to press it forward.

MAJOR KNOX said, he thought the Bill an important measure, and he hoped the right hon. Gentleman would succeed in passing it.

*Motion agreed to.*

*Bill read 2<sup>o</sup>.*

#### POOR RELIEF (IRELAND) BILL.

##### SECOND READING.

*Order for Second Reading read.*

*Moved, "That the Bill be now read a Second Time."*

MR. HENNESSY said, the law of England was adequate to meet such distress as prevailed in Ireland, and to prevent the sensation which that distress had occasioned. The English Poor Laws gave a species of relief which the poor were desirous to receive; but the Irish Poor Laws gave a species of relief which the poor most unwillingly claimed. Upon financial as well as moral grounds, he preferred the English to the Irish system. The workhouse system was more expensive than out-door relief. In a union in Ireland the total cost was £1,592, of which £630 was expended on the poor, and £962 was expended on the officers of the establishment. Such a disproportion would be exceptional in England and impossible in Scotland. Without opposing the Bill he felt it his duty to enter a protest against the course pursued by the Government.

MR. NEWDEGATE said, that it was evident that the opposition to this measure, and that the exaggerated accounts of the distress in Ireland, were carried on chiefly for the purpose of harassing the Chief Secretary for Ireland. By maintaining the present system of poor laws in Ireland, the Bill would maintain that which was one of the greatest boons conferred upon that country for centuries. He could un-



derstand that those who would like to see monastic institutions more firmly established, and more widely extended, wished to see the system of out-door relief prevail, and wished also that these institutions might become the distributors of it. Subsequent to the suppression of monasteries in England the country was for some time infested by hords of a demoralized population, which these institutions had reared in idleness; these vagabonds were at first called sturdy beggars, then they were called "staff-strikers," but were afterwards more properly denominated plunderers; and this evil went to such an extent that England had to submit to a kind of martial law. He knew that there was distress in Ireland, but he believed that it was partial, and that the statement of the distress was exaggerated merely as a means of annoyance to the Government. He wished, however, to draw attention to the clauses in the Bill which referred to the relief of orphan children whose parents were unknown. If neither the parents, the guardians, the godfathers, nor the godmothers of these children were known, it was proposed that their religious education should be according to the religious belief of the person who might bring them to the poor-house, although there was no evidence that those persons knew anything of the children except as much as was implied in taking them to the poor-house. Such a provision would cause these destitute children to be scrambled for by persons of different faiths. He hoped that some amendment would be introduced to prevent such a state of things. His own impression was, that as the State has a religion, the children to whom the state stood *in loco parentis* ought to be educated in the religion of the State.

MR. POLLARD-URQUHART said, he also should support the Bill. At the same time he believed that the Irish Poor Law system was not adequate to the wants of the country.

SIR ROBERT PEEL said, he could assure the House that he did not feel in the least harassed by what had taken place. The Government would be glad to receive any suggestions for the amendment of the Bill. With regard to the objection of the hon. Gentleman the Member for Warwickshire, if any better system could be devised he should be happy to adopt it.

Motion agreed to.

Bill read 2°.

#### QUALIFICATION FOR OFFICES ABOLITION BILL.—COMMITTEE.

On Motion, that the House do resolve itself into Committee on the said Bill,

MR. NEWDEGATE complained, that the hon. Member for Sheffield had fixed the Bill on a Government night at this very early period of the Session, which was quite unusual. He thought the Bill ought to be fixed for its next stage on a Wednesday, in order that it might come on for discussion before two o'clock in the morning.

MR. BERNAL OSBORNE said, he thought the hon. Gentleman was showing a settled disposition to harass the hon. Member for Sheffield, who had charge of the Bill. He looked upon this Session as essentially a private Members' Session; and unless private Members were to be permitted to proceed with their little reforms, he did not see how they were to employ themselves till the 1st of June, when it was understood the Session was to be finished. There was "ample time and verge enough" for private Members if they were not interrupted, for the Government were intent on the pleasant occupation of lying on their oars. They intended to do nothing, and very wisely, for they could do nothing. He appealed, then, to the hon. Gentleman not to oppose this puny bit of reform, so that the House, when it separated, might be able to boast of having done something.

Bill considered in Committee; and reported without Amendment.

#### LONDON COAL AND WINE DUTIES, &c. COMMITTEE.

(KENSINGTON GORE AND BAYSWATER ROAD.)

House in Committee.

London Coal and Wine Duties, &c., considered in Committee.

(In the Committee.)

MR. COWPER said, he rose to move for leave to bring in a Bill to amend the London Coal and Wine Duties Bill, 1861, to authorize the formation of a road between Kensington and Bayswater, and to apply the proceeds of the Metropolis Improvement account towards defraying the cost of the construction of such a road. It was universally admitted that a road across Hyde Park was one of the earliest and most urgent wants of the Metropolis. Formerly there was no necessity for such

a road, but very large and thickly-populated districts had arisen during the last few years both on the northern and southern sides of the Park—Paddington, for example, having a population of 70,000, and Chelsea of 35,000. A communication between the north and south had therefore become a matter of urgent necessity to the inhabitants of these districts. That necessity would be more especially felt during the current year, when a doubt was entertained whether the visitors to the Exhibition would be able to reach it. Those who desired to reach it from the north would be stuck fast in one of two narrow roads—either in Park Lane, the narrowest part of which was twenty-four feet, or in Church Lane, which was nineteen feet wide only at the narrowest. Her Majesty, with that interest which she always took in the wants of her subjects, had therefore given her permission for a road to be made across Kensington Gardens and Hyde Park in such a manner as not to interfere with the enjoyments, convenience, and recreation of those who frequented the gardens and the park. It would be remembered that about half way between the east and west sides of Kensington Gardens was a broad walk entered from Lancaster Gate on the north, and from Rotten Row on the south by some gates that were erected in 1851, the year of the former Exhibition. It was proposed that that broad gravel walk should be appropriated for the purpose of a sunken road, and that those who now used it for the purposes of a footpath should have a walk on each side of it, as side avenues to the road. Those persons would, he trusted, find a much more agreeable promenade than the gravel walk now was, in these side avenues. The road would be sunk below the level of Kensington Gardens, so that carriages and cabs would not be visible to persons a little distance off. By that means persons would be enabled to enjoy the quiet and retirement of the gardens without being aware of the passage of vehicles beneath the surface. The sides of the roads would be of sloping turf. One end of the road reached Rotten Row, and, as it would be very inconvenient that that part of the park should be interfered with, it was proposed that the new road should be carried under Rotten Row, so that those who were riding there would not be aware that carriages were passing under them. The road,

*Mr. Cowper*

after passing by a tunnel under the carriage drive of the southern boundary of Hyde Park, would then reach the Exhibition building either by the Exhibition Road or Prince Albert Road. He would not discuss the alternative routes, because the road he now proposed was the only one that would meet the convenience of the public and of the pedestrians in the Park, and that could be made within the time and at a moderate expense. He would next advert to the question of funds. A good deal of delay had taken place, because he was anxious to see whether the money for constructing the road could not be obtained from parties directly interested in the formation of the road. He first tried whether the parishes which would derive the chief advantage from the road would not take upon themselves the burden of making it. There was at present, however, no power by which these parishes could levy a rate to defray these expenses; and even if the parishes of Paddington, Marylebone, and Chelsea had the power to make such a rate, it would not have been easy to say what portions of those parishes benefited, and what portions derived no benefit from the road. Having come to the conclusion that it was impossible to get money from the parishes, he had next to inquire whether the Commissioners of the Exhibition of the coming year would not supply the funds for a purpose which would so greatly benefit the undertaking? He learned that the Commissioners of the Exhibition of 1862 had no power to employ their funds for any such purpose. If, at the end of the Exhibition they should have a surplus, that must be disposed of according to the decision of those who guaranteed the Exhibition against loss. The Commissioners considered, therefore, that they had no legal or equitable power to spend their money in making the road. He then turned to the Metropolitan Board of Works, who had the legal power of levying a rate for the purpose. He believed that they considered the subject a few days ago, and that they decided against making the road by means of direct taxation for that purpose. There was, however, a sum of money which was available if the House should approve the plan he had now to propose. By an Act, the 8th and 9th of Victoria, the proceeds of the penny duty were invested in the names of the Commissioners of the Board of Works, and the



proceeds were directed to be kept invested for such improvements as might be directed to be made. These investments amounted to £34,434 in the Three per Cents, and that sum would defray the expense of making the roads. That money was intended by an Act of last year to be applied for the purposes of the Thames Embankment; but owing to some peculiar arrangements and forms of the Bank of England, which were not considered at the time the Act passed, the sum in question was not now in the hands of the Treasury or carried to the account of the metropolitan embankment, but remained in the same position in which it had been since 1859. The Bill would give power to the Commissioners of Works to sell that stock and pay it over to the Metropolitan Board of Works, who would employ it in making the roads. Although there was some pressure for other improvements, those who looked at the metropolis as a whole must feel there was no manner in which the money could be better applied. If such a road were not made, they would have to endure the national disgrace and be reduced to the ridiculous position of inviting all the world with great pomp and ceremony to visit a building at Kensington Gore, and then, after people had achieved a journey from the end of the world, perhaps from Australia and Asia, they would find themselves stopped in Park Lane or Church Lane. [SIR JOHN SHEELLEY: How much will the road cost?] About £30,000. If the Committee should not agree to the Bill, there would be no road, and the inhabitants of Paddington, Chelsea, and Kensington would not have the facilities they required at all times, but which they would especially need during the coming year. The right hon. Gentleman concluded by moving—

“That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the London Coal and Wine Duties Continuance Act, 1861, and to authorize the formation of a Road between Kensington Gore and Bayswater, and to apply the proceeds of the Metropolis Improvement Fund Account towards defraying the cost of the construction of such Road.”

Motion made, and Question proposed.

MR. AYRTON said, he wished to know whether it was to be a public road in every sense of the word, or whether it was to be a trench cutting through Kensington Gardens?

MR. COWPER said, the road was to be a sunken road, and would run below the

level of the surface of Kensington Gardens. It would be, in fact, an open cutting, the bottom of the road being  $10\frac{1}{2}$  feet below the surface. The Metropolitan Board of Works were to have the power of making the road out of the money he had described, but they would be bound to make it according to the plan and sections that might be approved. The road, when made, would be severed from the park and gardens. It would be divided from them by a fence. The road itself would be, to all intents and purposes, a public highway, open to all; the soil, however, would be reserved to the Crown. That provision would meet all the necessities of the case, and as the roadway would be separated from the park, any difficulty as to giving the public a right to use the park they did not now possess would be avoided.

SIR MORTON PETO said, it was impossible the work, as the right hon. Gentleman had described it, could be executed between that time and the opening of the Exhibition. There were not between that day and the 1st of May more than forty clear working days. He pledged his practical experience that the thing was perfectly impossible. It would require about ten days to pass the Bill, and by the time all the arrangements for commencing the work were made nearly three weeks would be lost. There would not be more than twenty-five working days left. The result would be an inextricable confusion instead of a benefit. He suggested that the better plan would be to make a short junction road from the Victoria-gate, in the Bayswater-road, above the Powder Magazine, to the top of the bridge over the Serpentine, and then use part of Rotten Row as far as Queen's Gate, close to the Exhibition. The loss of that portion of Rotten Row might be compensated by letting its frequenters go down by the Serpentine, and pass under the bridge. The total expense of the small junction road from the Powder Magazine to the Serpentine Bridge would be some £200 or £300; and everything might be done in time. He assured the right hon. Gentleman that the plan he had described was a perfect impossibility. To make the sunk road would require the removal of many thousand cubic yards of earth. Then, there were the bridges to construct, one of them the whole width of Rotten Row. Judging by the rate of progress of the Government works in the Italian garden, the plan was more

likely to occupy two years than to be finished in the time available. He hoped the Bill would not be pressed, but that the Government would consider a simpler way of meeting the question. He would give his best assistance in a committee, or otherwise; but if the right hon. Gentleman imagined the plan he proposed could be carried out in twenty-five days, he would find, instead of benefiting the Exhibition and its visitors, that they would be involved in inextricable confusion.

LORD FERMOY said, he concurred with what had been stated by the hon. Member for Finsbury. He wished to see a road carried across the Park from the Paddington side; but the proposal to cut Kensington Gardens in two by a sunk road was so objectionable that he should be disposed to offer it every opposition. It would be an eyesore to the gardens, and a regular trap for the children or the nursery-maids, or perhaps both, to fall into, and be driven over by the traffic. But, if the road was made out of the proceeds of the coal-tax, it should be made clear that it was open to traffic of every kind, without any exception whatever. And, if so, let them consider what an amount of it there would be, what noise, and what danger. The plan of the hon. Member for Finsbury was good, sound, and practical. He believed a permanent road could be made nearly on the line he suggested; but that could be easily proved by making it first, as a temporary and experimental road, for the present summer; and, if it answered, there would be no objection on the part of the public to widen the bridge across the Serpentine. He hoped the Government would reconsider the plan it had now proposed.

SIR JOHN SHELLEY said, he thought if the plan had reference to the Exhibition alone, it was clear the Government had no right to touch the fund—namely, the Coal Tax—appropriated so recently as last Session to another purpose. If, on the contrary, it was a permanent metropolitan improvement, then it entirely rested with the Metropolitan Board. He conceived that the duty of the right hon. Gentleman, as representing the Crown, was only to take care, in making over the land for a public highway, that the arrangements would be carried out as they would be by any other landlord. The whole difficulty might be met if his right hon. Friend would bring in a Bill making over a certain portion of the Crown property for a high road. Then

*Sir Morton Peto*

power might be given to enable the two parishes of Kensington and Paddington to rate themselves to meet the expenditure; each might contribute one-third of the expense; and nobody would complain if the Metropolitan Board contributed the other third. But if proper advantage were taken of the roads now existing, there was actually at that moment, more capability of approaching the Exhibition even than the late Exhibition in Hyde Park. He believed firmly that there was quite sufficient accommodation to meet the requirements, and there would be time enough to look into the question of the road which was to be a permanent improvement to the Metropolis. At all events, to suppose that they could make a sunk fence, to be commenced some three weeks hence, in time for the Exhibition, seemed to him one of the wildest schemes that could be imagined. The very attempt to lay hands on the money showed how dangerous a thing it was to collect a fund in the hands of the Government, as there was such temptation to appropriate it to another purpose than that for which it was originally designed. It was only last year that Parliament decided that the balance should be applied to the Thames embankment, and, if report spoke truly, the right hon. Gentleman had pledged himself to an embankment on the south side of the river also, so that all the funds that could be collected out of the Coal Tax would be required. If the road in question was a national work at all, it ought to be paid for out of the Consolidated Fund. He protested against the Government putting their hands upon funds raised for a different purpose.

ALDERMAN SALOMONS said, he represented a district very distant from the Exhibition, a district which had contributed very largely to the coal-tax, and he was sure that the contributors would look with astonishment on the application of the fund to the wealthy portions of the Metropolis to which it was proposed to devote it. He was sure it would tend to make the Government exceedingly unpopular.

VISCOUNT PALMERSTON: There are two things which almost everybody admits—the one is, that access to the Exhibition should be provided by the 1st of May; and the other, that a permanent communication is required between the town on the north and on the south side of Hyde Park. My right hon. Friend has asked leave to bring in a Bill to accom-



plish both those purposes. My hon. Friend behind me (Sir Morton Peto) says that the thing cannot be done within the time. Well, that is a question to be settled between the Metropolitan Board of Works and the contractors. If a contractor is willing to undertake to complete it either by the 1st of May or June, which would probably be time enough, I know that an abundant supply of labour would accomplish things which those not accustomed to it might consider very difficult. The question is for leave to bring in a Bill, and I really hope the House will agree to the motion. The matter is very important in all its bearings and ought to be discussed in a fuller House than this. [About thirty members only were present.] The Bill, if brought in, would be read a second time on a future occasion, and then the question of the comparative importance of one line and another might be discussed. But then, it is said, "Take advantage of the present roads." But what are called the present roads do not exist. What is wanted is a communication from the north to the south, and there is none. Some hon. Member has said, "Let the carriages go in at the Bayswater-road, and so along the sunk fence and the bridge to the Exhibition." But there is no road fit for heavy traffic beyond the bridge; and the bridge, as it now is, would not admit the traffic which would then have to pass over it. Therefore, the proposal to take advantage of the roads that now exist does not apply. I hope, then, that hon. Members who may entertain a different opinion as to the scheme will not object to the motion, and at a future time they will have an opportunity of comparing the different methods by which the same object may be attained.

MR. BERNAL OSBORNE: Though I cannot take the grand parochial view of this matter, still, as being one who takes what I call a Consolidated Fund view, I wish to say a few words. The hon. Baronet the Member for Westminster said, "Let's take a pull at the Consolidated Fund." Now, having a slight interest in the Consolidated Fund, and having heard the exposition of the right hon. Gentleman, I have come to a very different conclusion from that at which he has arrived. If experience is to have any weight in this debate, we probably have heard the most experienced man in this country as to the cost of this

"sunk fence," for "sunk fence," Sir, I call it. The hon. Baronet the Member for Finsbury (Sir Morton Peto), who, I believe, was engaged in making that celebrated Balaclava road, and who has a pretty good idea how long they would take to make the proposed road, has told this skeleton of a House what he thinks of the sufficiency of this £30,000. And, indeed, any one of any experience must know that the making of this road, which is upwards of two miles long—[MR. COWPER: Three-quarters of a mile.] Well, three-quarters of a mile. I was going to put the cost at £70,000—but will the right hon. Gentleman tell the House that he will make this road for £30,000, or that he will do it in two months? The whole thing is perfectly ridiculous. It cannot be made for that sum, and it cannot be accomplished in that time. Now, what is the necessity for this permanent road at all? For the last Exhibition we had no new road. The right hon. Gentleman says it is to be a short cut from Australia. That is a reason certainly for inducing this House to consent to the Bill. He said, "What will the people from Australia think if they don't find this road open?" I have no great geographical knowledge, but I do not think the people from Australia will make any remark if this road is not made. We have had the most forcible testimony given by a gentleman who knows more about earthworks than any other man, that it cannot be made in time. Well, we have got this great earthwork scheme which is to form the great work of the Session. I call upon the attenuated House, if they have any spirit left, to throw out the Bill at once. The manifest thing is a temporary road for this purpose. As for the proposed Bill, let us throw it out at once, and so hear no more about it.

Question put:—

The Committee *divided*:—Ayes 17; Noes 12: Majority 5.

And it appearing that Forty Members were not present, Mr. Speaker resumed the Chair.

House counted, and Forty Members not being present,

The House was adjourned at half  
after Twelve o'clock, till  
*Monday next.*

## HOUSE OF LORDS,

*Monday, February 24, 1862.*

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Law of Property Amendment; Real Property (Title of Purchasers).

LAW OF PROPERTY AMENDMENT BILL.  
REAL PROPERTY (TITLE OF  
PURCHASERS) BILL.

BILLS PRESENTED. FIRST READING.

LORD ST. LEONARDS said, he rose to lay on their Lordships' table two Bills having relation to real Estate. The first was a Bill further to amend the Law of Real Property. The first provision of the Bill was one which had already upon three occasions received their Lordships' support, but had not met with favour in the other House of Parliament: it was to prevent a purchaser or mortgagee from being affected by what is termed implied or constructive notice, and he still hoped that it would from its merits receive the sanction of both Houses. Another purpose of the Bill was a provision by which, when a sequestration issued under the Bill of his noble and learned Friend of last Session (the Bankruptcy Act) against a beneficed clergyman, all previous sequestrations shall cease to have effect, and all the profits of the benefice, beyond necessary expenses and provision for a curate or incumbent, should be divided rateably among the creditors. There were also provisions to render it unnecessary, where judgments were registered in the Common Pleas, to register them in the local Courts of Registry. A further clause provided for the more perfect entry in the Common Pleas of writs. The Bill contained various other provisions, to which it was not necessary to call their Lordships' attention. His second measure was a Bill for further Limitation of Actions and Suits relating to Real Property in support of the Title of Purchasers, which he proposed, with their Lordships' consent, should be read a second time, and then referred to the Select Committee which was to consider the other Bills that had been introduced on the subject of titles to land. At present a purchaser must wait forty years before he could be sure of having a good title, because there might be some outstanding claim which nobody had ever heard of, or which had been quite forgotten, which might be brought against the title. His

proposal was, that possession for a period of twenty years should confer on a purchaser a good title, and that in the case of disabilities five years should be allowed after the disability ceased for the claimant to make his legal claim. Thirty years, however, was the utmost allowance for disabilities—after that period the claimant's right was extinguished, whatever might have been his disability or disabilities, or whatever the disabilities of successive claimants. During the whole of the twenty years which was to give a purchaser a good title, an opportunity would be afforded to reversioners or on behalf of issue to obtain a declaration of right. This, if adopted, would enable Parliament, as he proposed by the Bill, to limit the obligation of a vendor to produce a title of forty years, instead, as now, of sixty years, which would be an immense saving to owners of property.

Bills *presented*; and read 1<sup>st</sup>.

House adjourned at a quarter past  
Five o'clock, till To-morrow,  
half-past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, February 24, 1862.*

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Consolidated Fund (£973,747); Bleachfields (Women and Children) Employment; Merchandise Marks.

## CHURCH RATES ABOLITION BILL.

QUESTION.

MR. SOTHERON ESTCOURT said, he wished to ask the hon. Member for Banbury (Sir Charles Douglas), in the absence of the hon. Member for Tavistock (Sir John Trelawny), Whether it is his intention to bring on the Second Reading of the Church Rates Abolition Bill on the day for which it now stands fixed, which is Ash Wednesday? On that day the House did not meet till two o'clock.

SIR CHARLES DOUGLAS said, that in the absence of the hon. Member for Tavistock who was detained at home by indisposition, he begged to inform the right hon. Gentleman that there was no intention to bring on the second reading of the Church Rates Bill on Ash Wednesday, when it could not be fully discussed. It had remained on the orders where it was



first put by mistake. He would take care and give ample notice to the right hon. Gentleman and the House generally when the second reading of the Bill would come on.

#### ECCLESIASTICAL MANORS.

##### QUESTION.

MR. LYGON said, he wished to ask the Secretary of State for the Home Department, When the Return relating to Ecclesiastical Manors, ordered by this House 15th June 1860 and 25th June 1861, will be laid upon the table?

SIR GEORGE GREY said, that the Returns relating to Ecclesiastical Manors had been kept back in consequence of one part not being completed. They would be laid on the table of the House immediately.

#### BREACH OF PRIVILEGE—THE O'DONOGHUE AND SIR ROBERT PEEL.

VISCOUNT PALMERSTON: Mr. Speaker, I am desirous of saying a few words upon a matter of great interest and importance to the House, because it bears upon one of our most important privileges—I mean that privilege which is sanctioned by ancient customs, and I believe confirmed by the Bill of Rights—that there shall be perfect freedom of speech in debates of this House. It is our privilege to say whatever we think right in Parliament, and it is a breach of the privileges of this House that what any Member says in this House should be questioned out of this House by any person whomsoever. That is the corporate privilege of Parliament, and a most important one it is; for without freedom of speech on the part of Members of this House the proper functions of this House could not be adequately and usefully discharged. To counterbalance that latitude we have rules and regulations of our own. We have rules and regulations by which any Member is liable to be stopped by the person who sits in your chair, Sir—the Speaker for the time being—if he says anything contrary to the usages of Parliament, and contrary to those rules and regulations which, for the dignity and decorum of this House, have been established and practised, and which ought to be observed. But beyond this there is another rule established. Where it happens that the Speaker may not feel or understand the offensive force of some expression bearing on a Member of the House, it is competent for the Member

with regard to whom any expression is used which is wounding to his feelings, or derogatory to his honour, to get up then and there, to stop the person who is speaking, and to appeal to you, Sir, and to the House to pronounce whether such expression is proper to be used or not. The way in which these general principles bear on the matter which I feel it my duty to state to the House is this:—In the course of Friday evening my right hon. Friend the Secretary for Ireland (Sir Robert Peel) used some expressions which, later in the evening, I was informed were considered by the hon. Member for Tipperary (The O'Donoghue) to be offensive to him, and to bear personally upon him. The hon. Member took no notice of these expressions at the time, and therefore nothing passed at the moment to lead anybody to think that consequences of any kind would follow from what I have stated. But late at night, after the House had been counted out on a division in Committee, and was therefore adjourned, it was intimated to me that the hon. Member for Tipperary had taken offence at some expressions used by my right hon. Friend, and that it was likely that results out of the House would ensue. Bearing in mind what the privileges of this House are, and that it is a distinct breach of privilege for any Member of this House to notice hostilely out of the House any expressions which have been made use of in debate within these walls, I thought it right, before quitting the House, to write to my right hon. Friend the Chief Secretary for Ireland. If any intimation had been made to me before the House adjourned, then, of course, it would have been my duty immediately to have made some communication to you, Sir; but, the House having adjourned, that course was out of my power. I deemed it my duty to take this step of writing to my right hon. Friend, because, having the honour to be at the head of the Government of which my right hon. Friend is a member, and also having the honour to be charged with the conduct of the business in this House, I thought it was my duty to see that the privileges of this House were not violated in a manner which, I am sure, would have been painful to all parties in this House. This, then, is the letter—

“House of Commons, Feb. 21, 1862.

“My dear Peel,—It has been suggested to me that The O'Donoghue may contemplate sending you a hostile message in consequence of what he considers your allusion to him in your speech

this afternoon; and I think it right, therefore, before I leave the House to remind you that such a proceeding by The O'Donoghue would be a breach of the privileges of the House, and that if you were to accept such a challenge, you would make yourself a party to that breach of privilege.

"Your duty, therefore, in such case would be to decline the invitation; and I should in such case deem it my duty to state the matter to the House at its meeting on Monday, in order that the House might deal with the matter in the manner which it has usually dealt with matters of the same kind on former occasions.

"It seems to me, moreover, that your official position renders it the more incumbent upon you to avoid infringing the privileges of Parliament and making yourself a party to what would be a public scandal.

"Yours sincerely,

"PALMERSTON.

"The Right Hon. Sir Robert Peel, Bart., &c."

I wrote that letter late at night, and had it given to a messenger to deliver to my right hon. Friend early on Saturday morning. In the course of Saturday communications took place which led to a request,—not directly in the nature of the invitation which I had enjoined my right hon. Friend to decline—but proposals were made to him that he should name a friend. I requested my right hon. Friend to refer to me—not with a view of making arrangements for a meeting, but officially to refer to me the hon. and gallant Gentleman who had been commissioned to communicate with my right hon. Friend. I saw that hon. and gallant Gentleman this morning; I explained to him the bearing of the contemplated proceeding on the rules and privileges of this House, and I stated that I should deem it my duty to bring the matter under the notice of this House this day at half-past four o'clock, in order that you, Sir, and the House might deal with it in such a manner as might be deemed expedient. I also thought it right to inform the hon. Gentleman the Member for Tipperary that such was my intention, as he would probably think it right to be in his place at the time. I have now, Sir, done that which I think it was my duty to do; and I have only to say that, having brought the matter under the knowledge of the House, I leave it to you and the House to deal with it as you think fit.

Mr. SPEAKER:—It having been brought under the notice of the House that a distinct breach of its privileges has been committed by the hon. Member for Tipperary, it becomes my duty to call on that hon. Member to express his regret for the breach of privilege he has committed,

*Viscount Palmerston*

and to give an assurance to this House that the matter shall proceed no further.

MAJOR GAVIN: I beg, as the Friend of The O'Donoghue, that the House will allow me to say a few words in explanation; and I think when hon. Gentlemen have heard the statement, they will agree with me that I have nothing to regret in respect of the course I have taken in this matter. I believe that every one in this House read, if they did not hear, the debate on Friday night. They will recollect that in that debate very strong language was made use of by the right hon. Baronet the Secretary for Ireland in reference to my Friend the hon. Member for Tipperary. My hon. Friend, on hearing that language, did not avail himself of the rule which enabled him to call the attention of the Speaker to that language as a question of Order, but left the House very indignant and highly irritated. He called on me at the club on Saturday morning, and stated that he felt himself grossly offended at the right hon. Baronet's observations the previous evening. I begged him to put in writing the words which he felt hurt at, and he did so. I am bound to say that, having consulted with him, and having fully considered those words, I quite agreed with him in opinion; and for any act which may have been done I, and I alone, am responsible. The House heard the language used by the right hon. Baronet. As well as I can recollect, the language which was employed—referring to a meeting held at Dublin, and presided over by the hon. Member for Tipperary—the right hon. Gentleman the Chief Secretary said that it consisted of "manikin traitors," who sought to imitate the "cabbage garden" proceedings of 1848, but that he was happy to say the call was not answered by a single respectable person. I think those were the words; if I am in error, let me be corrected. I thought over those expressions, and I arrived at the conclusion that they were words that no gentleman should rest under. I had the honour of being in the army for twenty-four years, and I am quite certain that no such language would be tolerated in that honourable profession. Entertaining that view, and having a very high opinion of the right hon. Gentleman the Chief Secretary for Ireland, I was convinced that it would be only necessary for me to place before him the very injurious nature of the expressions made use of, and that he would give such explanations as



would be satisfactory to my hon. Friend. I went to Sir Robert Peel's house on Saturday morning. He had just left to go to the Irish office. I followed, and had an interview with him there. I told him my hon. Friend the Member for Tipperary felt that the language which he had made use of on the previous night was such as one gentleman could not hear from another. I added that that was my opinion also; that my hon. Friend could not possibly rest under the words which had been used, and that I required an explanation. I told him the words attributed to him, and I asked him to let me convey to my hon. Friend that he meant no offence. I then went further, and tried by separating those words—I mean those expressions as to no respectable person having attended the meeting—from the other words in the offensive passage, and so to bring the matter to a satisfactory conclusion. The right hon. Baronet said he would adhere to the words in their integrity. I then asked him to refer me to a friend. He said I must write to him on the subject. I did write to him, and if the House wishes it, I will read the letter. It is as follows:—

"15, Charles Street, St. James's, Saturday.

"My dear Sir Robert,—As the explanation given by you to me regarding the words you made use of towards The O'Donoghue last night in the House is not satisfactory, and as the matter cannot possibly remain in its present position, I must request you at once to refer me to a friend.

"Faithfully yours, G. GAVIN.

"To the Right Hon. Sir Robert Peel, &c."

Well, Sir, on Saturday evening I received a letter from the right hon. Baronet, which was very short and sweet, saying that he had referred it to a friend. I naturally supposed that I would hear the name, but no name was mentioned; and though the letter was written at four o'clock, I did not get it till very late at night. However, last night (Sunday) I got another letter from the right hon. Baronet, stating what the House has already heard—that I was to be referred to the noble Lord at the head of the Government. And the House will allow me to say that there is no one in the House who, I think, would so readily respond to anything of the kind. This, Sir, is the letter:—

"Irish Office, Great Queen Street, White-hall, Feb. 23, 1862.

"Dear Major Gavin,—In consequence of a communication I received from Lord Palmerston very early on Saturday morning, I referred to him the letter you addressed to me yesterday after-

noon, and I have this instant received a reply from him desiring me to refer you to him.

"I am yours very truly,

"ROBERT PEEL.

"Major G. Gavin, M.P."

Well, Sir, I did myself the honour of waiting on the noble Lord this morning. I stated to him that Sir Robert Peel had referred me to him for an explanation of the words which the right hon. Baronet had made use of on Friday night, and that I thought he would agree with me that such words were not to be passed over. The noble Lord then told me what the rules of the House were. I said, "Oh, my Lord, if this is to be taken up officially, there is no use in my taking up your time about it." I then inferred that the whole matter had been taken up officially—in fact, it had been reported to you, Sir, before I felt it necessary to wait on the right hon. Baronet the Secretary for Ireland for an explanation. I feel myself placed in a very painful position. I did what I considered to be my duty towards my Friend. I had to vindicate his honour, and I went about it in the only way I understood. The honour of the hon. Member for Tipperary was placed in my hands. It has now been handed over to you, Sir, and the noble Lord at the head of the Treasury; and I hope you will preserve it.

MR. SPEAKER: The hon. and gallant Gentleman the Member for Limerick, speaking on behalf of the hon. Member for Tipperary, has been permitted full latitude; but I must point out to the House that it would not be proper in the House to follow him to the extent he has gone, because one of the rules of the House is that any exception taken to words spoken in debate must be taken on the spot and at once; and no words spoken can be taken notice of afterwards in the House, if such exception has not been taken to them, and if the words themselves have not been taken down by the Clerk at the table. The value of that rule must be felt on the present occasion, because the hon. and gallant Gentleman has not professed to report to the House the exact words which have been complained of by the hon. Member for Tipperary. It is now my duty to inform the House that no discussion can take place on the words which were used on Friday evening. The time for discussing them has passed. A breach of privilege has now been brought under the notice of the House; and it is my duty to call on the hon. Member, who was

guilty of what I must observe to him is an offence to this House, to express his regret that he has committed a breach of privilege, and to give to the House an assurance that the matter will proceed no further.

THE O'DONOGHUE:—Sir, I hope it is unnecessary for me to say that I should regret deeply to do anything to violate the privileges of this House. And I may say for myself that I would have been the last person in this House to say or do anything which might wound the susceptibilities of any hon. Member. I hope, however, that the House will accord to me for one moment the consideration which they invariably extend to any one who has a personal explanation to make. Having received this afternoon an intimation from the noble Lord at the head of the Government that he would feel it his duty this evening to make a statement with reference to me, I felt it my duty to attend in my place; and as I took it for granted that what the noble Lord had to say would refer to what passed on Friday night, I made a copy of the words used by the right hon. Baronet the Chief Secretary to the Lord-Lieutenant of Ireland, and which I considered personally offensive to myself. In rising to offer a very few words of explanation, I am sure I do not erroneously estimate the character of this House when I expect from it all the more consideration from the fact that the right hon. Baronet did all in his power to excite a prejudice against me. Perhaps the House will permit me to read the words which I considered offensive. Alluding to the alleged prosperity of Ireland, the right hon. Baronet said:—

“Of the justice of that opinion no more remarkable proof can be adduced than that which took place the other day, when there was danger of rupture with America, and Ireland was filled with American emissaries, who tried to raise there a spirit of disloyalty. A meeting was then held in the Rotunda, at which a few manikins traitors sought to imitate the cabbage-garden heroes of 1848; but I am glad to say they met with no response. There was no one to follow. There was not a single man of respectability who answered the appeal.”

I felt that this language was personally offensive to me, and I thought that I could not let it pass. I felt that the right hon. Baronet had come down to the House, having made up his mind to disparage my social position, I would not attach any importance to assertions or insinuations made in the excitement of debate or in

*Mr. Speaker*

the heat of argument. I feel that great allowance must be made for speakers under such circumstances. But I am ready to do the right hon. Baronet the justice to say that his speeches bear the marks of very careful preparation. The meaning of the right hon. Baronet's observations was quite manifest, for his remarks drew the eyes of the whole House on me. What, then, was I to do? Could I submit to such an affront without forfeiting my claim to sit in the company of honourable men—without bringing disgrace on the memory of those whose honour I am bound to cherish, and entailing a legacy of shame on those who are to follow me? What was I to do? I am quite aware that the ancient mode of arbitrament has fallen into disuse; but, if it has, those unseemly manners which make it necessary have also disappeared. What course was I to take? I consulted with my hon. and gallant Friend the Member for Limerick, in whose hands I felt that my honour was perfectly safe, and on whose judgment—matured as it has been by experience acquired in the most honourable of professions—I could implicitly rely. I consulted with my hon. and gallant Friend; and he agreed with me that I was not only entitled to expect an explanation from the right hon. Gentleman, but bound to demand, and, if possible, to obtain that explanation. We did all we could to obtain an explanation. I am sure that the House will agree with me that there was nothing bullying in the tone we adopted. Well, we failed to obtain it; and, if I am forced to come to the conclusion that the right hon. Baronet is not in an eminent degree distinguished by those qualities for which his countrymen generally are remarkable, the fault is certainly not mine. I must say that whatever the right hon. Gentleman may think fit to say with regard to my political conduct or course of action, with regard to that I have nothing to say. He may talk as much as he pleases about cabbage-garden heroes, and with all the more freedom from the fact that the inferences which the right hon. Gentleman wishes the public to draw are based on the most flagrant misrepresentation of facts. When I state that the right hon. Baronet is perfectly at liberty to say what he likes of my political conduct, I may be allowed to explain it in this way—that I should consider myself perfectly justified, if I thought it worth while, to say that the



right hon. Gentleman's conduct when he went to Derry and spoke as he did of the Archbishop of Dublin was most discreditable. [*Loud cries of Order!*] But I do not feel myself justified in saying—

MR. SPEAKER: This is not an occasion on which it is competent for the hon. Gentleman to enter upon a general discussion of this nature. The matter is confined within much narrower limits.

THE O'DONOGHUE: I bow to your decision, Sir. But before I sit down I wish to say that I begin to be afraid that the mind of the right hon. Gentleman is not quite so hollow, and that there is much more of craftiness and cunning in his disposition than— [*Loud cries of Order, order!*] Then, in conclusion, I must say that the right hon. Gentleman is much mistaken if he supposes he can force me here to withdraw from a position that I occupy elsewhere, or to renounce opinions that I conscientiously hold, and which I conscientiously believe are held by the great majority of the Irish people. In conclusion, I have to thank the House for the attention they have accorded me, and I thank the right hon. Gentleman for the opportunity he has afforded me of exhibiting him in his real character. (*Cries of Oh!*)

MR. SPEAKER: I trust the hon. Gentleman is aware that the matter in question lies not between himself and the right hon. Baronet, but between himself and the House; and I hope he will not conclude his speech without some reference to the position in which he has placed himself with regard to the House.

THE O'DONOGHUE: I thought that I had already apologized to the House for committing a breach of their privileges. I think I may add—although after what has passed it is almost unnecessary to say so—but if it be necessary, I am ready to state the matter shall go no further.

[Complaint being made to the House, by Viscount PALMERSTON, that The O'Donoghue, Member for the County of Tipperary, had sent a hostile Message to the right honourable Sir Robert Peel, baronet, Member for Tamworth, and Chief Secretary to the Lord Lieutenant of Ireland, in consequence of words spoken by the latter in Debate in the House on Friday last; and The O'Donoghue being in his place, MR. SPEAKER called upon him to express his regret that he had taken a course inconsistent with the Privileges of the House,

and to assure the House that this matter should not proceed further.

Whereupon, after an explanation by Major Gavin, Member for the City of Limerick, who had conveyed the said Message, The O'DONOGHUE stated that he desired to acquit himself of any disrespect to the House, or its Privileges, submitted himself to its pleasure, and gave the required assurance.—*Votes and Proceedings of the House of Commons, Luncæ, 24<sup>o</sup> die Februarii, 1862.*]

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### MEXICO—THE ROYAL MARINES.

ADMIRAL WALCOTT: Sir, I am induced to ask the question I have placed upon the paper from a personal experience which I have had of the great unhealthiness of the climate of Vera Cruz and the Fortress of San Juan d'Ulloa in, with slight exceptions, all seasons of the year. I make, Sir, no exception to the policy which directed the expedition to Mexico; but I shall lament beyond expression, if the fact be so, that, on the occasion of the French and Spanish troops marching into the interior, the English contingent be placed, not only in such a fatal, but in such an inglorious position as to remain in garrison of the places I have named, which will deny to that eminently distinguished corps the Royal Marines the opportunity of adding fresh laurels to those already gathered by long service. In a joint expedition all should share equality of fortune. I therefore ask the Secretary to the Navy, Whether the Royal Marines sent to act in conjunction with the troops of France and Spain upon service in Mexico were supplied with tents and field artillery; or whether their duties would be restricted to garrisoning Vera Cruz and the Fortress of San Juan d'Ulloa; and, in the latter event, whether due caution had been impressed upon the commanding officer to select a position where their health and sanitary arrangements could be best secured previous to their landing—Vera Cruz being surrounded with sand-hills and pools of stagnant water?

#### THE ADMIRALTY COMMITTEE.

##### QUESTION.

SIR JAMES ELPHINSTONE asked the

right hon. Member for Oxfordshire (Mr. Henley), If it was his intention to move for the re-appointment of the Admiralty Committee? As he would not have an opportunity of speaking to one or two points with regard to the Navy Estimates when they should come on for discussion, he would take this opportunity of doing so. He regretted to see that the Navy Estimates did not contain any provision for basins and docks at Portsmouth, the want of which in that central position in the Channel was a blot on our navy. We were surrounding Portsmouth with fortifications, the outer circle of which was nine miles in diameter, the inner circle having a diameter of five miles, but what ought to form the object of these defences was still wanted. He understood that the Commissioners had reported that the present lines of Portsmouth and Portsea were perfectly useless, and that they were to be razed to the ground, which would give the Government command of 160 acres of land in a position which would be of the greatest possible advantage for carrying out the works necessary to make Portsmouth a complete naval arsenal. We were now multiplying our iron ships. These ships, instead of being of the same length as the old three-deckers, 210 feet, were 400 feet long. To supply the proper accommodation it was therefore necessary to have docks of double the former length. This was the main blot, in his opinion, upon the Navy Estimates. There was another blot in them. It was, he understood, intended to increase the number of boys in the service to 9,000. The noble Lord (Lord C. Paget) in a speech to his constituents at Deal, had declared that the recommendations of the Navy Commissioners had been carried out to the letter. The recommendations of the Navy Commissioners on that point were these:—They recommended that a Naval Reserve should be created; and in three paragraphs they disposed of the means of doing so. They then proceeded to sketch a plan for its future supply; and the right hon. Member for Oxford (Mr. Cardwell) would corroborate this statement, because it was to him and to Captain Brown, the Registrar General, that the country were indebted for this great and successful plan. Their plan, which had been only half carried into effect, was to provide the means of educating boys in all the seaports of the United Kingdom, by stationing school-ships in those ports. It was supposed

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that the assistance of the shipowners would be thus secured, and that the merchant service and the navy would be brought into contact. It was intended that ships should be placed in twelve of the principal ports in the kingdom, each to contain 250 boys, who were to go through a course of training, and then enter the Reserve; and when they went to sea, the owner whose service they joined, in addition to their private pay, was to pay £1 a year towards the Reserve Fund, which, being carried on by the boys, would be sufficient to afford them at fifty years of age a pension of £16 a year. But adults introduced into the service could not pay to the Reserve Fund long enough to be entitled to anything like an adequate allowance in their old age, the consequence of which would be, that the sequel of the plan could not be carried into operation, and that the Reserve would fall to the ground, simply because the expectations that had been excited could not be fulfilled. In this great maritime country we had military colleges of every description; the naval youth were educated in a hulk. If he established a school for pauper children, he could not open it, under the rules of the Privy Council on Education, unless the rooms in which the children were educated were fifteen feet high; but the youths in the navy were educated in apartments which were not six feet high under the beam, and were subject to every description of discomfort. The only place where they were educated was in the *Britannia*. She had been stationed at Portsmouth. She had been removed to Portland, for what reason he was not aware. It had been said that her position at Portsmouth was not a very good one. Doubtless, it might have been better; but at Portsmouth the boys had a playground, which was not the case now. A ship was not the place for the education of youths. They were in air that was detrimental to health, and they were unduly restrained from exercise. Every naval officer knew that to land 250 boys was a matter of some difficulty; and the consequence was, that the boys had, while at Portsmouth, only gone ashore twice a week on their half-holidays. But at Portland their confinement was greatly increased. On many days the weather was so gusty that they could not land at all. But was there any branch of naval education that could not be taught as well at college on shore as in



a ship, necessarily badly ventilated? If the noble Lord would allow the accommodation provided for the education of these boys on board to be examined by the Inspectors employed by the Privy Council on Education, he had no doubt it would be condemned. In 1832, when so many sweeping reforms took place, and it was thought there could never be half reform enough, the Royal Naval College was swept away. It would have been well, however, if it had been maintained. All the best officers in the navy, at the present moment, had been educated at the Naval College. What reason was there why a Naval College should not be established now? We had established a Naval Reserve, by which it was desired to bring the officers of the navy and the officers of the merchant service into contact. Why not establish a system by which they could be brought together in education, and which would enable a naval officer to fall back on the merchant service should the navy not suit him? Again, the appointment of boys to the ship had become a matter of political jobbing; but why should the country be at the expense of educating the boys of parents who could themselves afford to pay for their education? It was a great boon to a man with a large family to have a son taken from him and educated at the public expense; but although unfit for the service of the country, the country never got rid of him. He said, Build a Naval College on a large scale, with every appliance to qualify youths for the very highest branch of the profession. But into that college he would throw the officers of the subsidized service. He would make every officer pass through that college. He would enable every officer to learn the whole of his profession, from the laying of the keelson of a ship to the highest branches of machinery, and the highest problem in naval mathematics. With the land which they had at Portsmouth, such a college could be combined with basins, with barracks, storehouses, docks, on such a scale as would enable them to repair their fleet if a great battle were fought in the Channel—the only place in which, in his opinion, a great naval battle would be fought. Why was the question of barracks left out of sight? Because, he was told, it was intended to turn the Convict Barrack into one for seamen. But if he was rightly informed, this barrack was not well qualified for that purpose. He wished to know what was the meaning of this re-

duction of men? An order had gone down to almost all the ships in commission to land some sixteen of their guns. That he believed was absolutely necessary. Admiral Fremantle had reported so of the Channel Fleet; but if the noble Lord had substituted 10-inch guns for the previous armament, how could he account for the reduction of the complement? The large frigates were overmasted and undermanned; but it was not by altering the calibre of the maindeck guns, and landing those guns which were useless, that the defect could be remedied. He would ask the noble Lord whether the Report (page 682, of the Proceedings of the Board of Admiralty Committee), presented by Admiral Elliot to Admiral Fremantle, had been acted upon; whether the magazines had been put into a more satisfactory position; whether the orlop decks had been cleared; whether the masts had been reduced in size, or the fore and main masts equalized; whether the rigging of those ships had been altered in conformity with the recommendations—in short, whether the recommendations of the Report had been carried into effect? In asking the right hon. Member for Oxfordshire (Mr. Henley) the question of which he had given notice, he felt pretty sure what the answer would be, and he would therefore take the liberty of making some remarks in respect to that matter. The Committee of last year had the advantage of having four First Lords of the Admiralty upon it. The Committee went through an immense mass of evidence, and then reported to the House; and now he was told that the feeling of the House was, that such had been the activity of the noble Lord in the late matter of the *Trent*, that the re-appointment of the Committee was unnecessary; and the matter would be left where it was, because, forsooth, the noble Lord had telegraphed to the Mediterranean for the Mediterranean fleet, and had laid hands on the Channel fleet, in the hopes of getting sufficient crews to enable him to man three frigates and a few sloops, and had then sent those vessels in a most disgraceful state to sea. That was the plea upon which the noble Lord expected to avoid an inquiry—a most vital inquiry, as he considered it, with regard both to the honour and the resources of the country. He (Sir James Elphinstone) would be prepared to prove, that so far from the ships being in a fit state to meet the enemy, not one of the ships had

arrived at Nova Scotia without its being necessary to refit them.

ADMIRAL DUNCOMBE asked the Secretary to the Admiralty, in what manner the surplus from the last year's Estimates had been disposed of; and to what extent, if at all, it had been applied to the increase of the fleet consequent upon the late differences with America?

MR. HENLEY, in reply to the question of the gallant officer the hon. Member for Portsmouth (Sir James Elphinstone), stated that he was not one of the parties who originally moved for the appointment of the Committee referred to, and it certainly was not his intention to take any part in moving for its re-appointment.

SIR HENRY WILLOUGHBY hoped, the noble Lord the Secretary to the Admiralty would state if it was the intention of Her Majesty's Government to move for the re-appointment of the Committee. One thing was quite clear, and that was, that the Committee last year was most unfairly treated in the work it had thrown upon it. He hoped the noble Lord would explain the position of the finance of the Navy. The noble Lord two or three years ago startled the House by the statement that £5,000,000 had not been accounted for in regard to the Navy. That statement created a considerable sensation. The noble Lord, however, was partially right and partially wrong, as the half of the amount was found in a lumped sum among certain other figures in the Navy papers. Now he (Sir H. Willoughby) had no doubt in his own mind that the finance of the Navy was still in a most unsatisfactory position, and what he wanted to know was, why the noble Lord did not improve that system? A most distinguished Accountant General, Sir Richard Bromley, who had many years held that office, had distinctly stated in his evidence that which was perfectly true, that there was no definite responsibility whatever that could be brought home to any manager in the Admiralty in respect of these matters; and he illustrated that by his own position, for in a certain number of years he had had ninety-seven masters. Now, if by the re-appointment of the Committee they could find out what the constitution of the Board of Admiralty was, and bring to bear on the First Lord and other officials a defined responsibility, so that they might really know what "My Lords"—for that was the expression—which now meant nothing, ought to mean, something would be ac-

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complished. If the House had any doubt about that matter, let them only peruse the Navy Estimates that were on the table for this year. He would ask whether the papers that had been placed on the table were one whit better than they had been for years past. Would any paper therein show what any given ship would cost? It appeared that "My Lords" of the Admiralty spent what they pleased, and then sent a note to "My Lords" of the Treasury, "Please pay."

MR. BENTINCK believed, that the appointment of the Committee referred to was brought about by a general feeling that there was something objectionable in the constitution of the Board of Admiralty, rendering the efficient performance of its duties impracticable. When the Committee was moved for, the noble Lord observed that the Admiralty was about to be put on its trial; but how, he would ask, was it sought to carry out that view? By placing on the Committee so large a number of Members who either were or had been officials as to constitute it a tribunal which was both judge and jury in its own case. He (Mr. Bentinck) had opposed the composition of the Committee, but the House overruled his Motion on the subject. He had always been of opinion that this was a question rather for the House to deal with than a Committee. A Committee took evidence and made a Report, which was laid on the table and there remained. No result followed. The appointment of a Committee, therefore, was entirely useless. He was himself a Member of the Committee last year for several months, but he became so convinced of the utter inutility of sitting on it that he respectfully asked leave to retire, convinced that the inquiry was an utter waste of time, and that no practical result would follow. He trusted, therefore, that it was not the intention of Her Majesty's Government to reappoint the Committee this year. With regard to the question of the hon. and gallant Member for Portsmouth (Sir James Elphinstone), considering the enormous amount it would require to place Portsmouth in an adequate state of defence, he would suggest that it would be better to select some other locality for the principal dockyard of the country.

SIR MICHAEL SEYMOUR said, that the *Britannia* was certainly not suited to the purposes to which she was now applied—that of a training school. He could



speaking strongly to that point, having once commanded the ship. He greatly regretted, as a Member of the Committee, that those results which the navy expected would flow from its labours had not been realized. With respect to the question of the armament of the fleet, which had been adverted to by the hon. and gallant Member for Portsmouth, he could not help thinking that English ships were not, as a general rule, overgunned. In days long gone by such was well known to be the case with French vessels, as was proved by the fact, that some of them which had been captured and had their original armaments replaced by those used on board our ships had become, in consequence, better sailers, and had in some instances been taken as models by us. He was, notwithstanding, prepared to maintain that the reduction of the number of guns in a ship was a point which should be dealt with very cautiously. It would be seen, therefore, that the question of armament was not one to be hastily or easily determined. The present position of the navy was, on the whole, satisfactory. He was glad to see from the Estimates that, while there was to be no attempt to impair the efficiency of the navy, we had reached the turning point of expenditure, and might expect a moderate reduction. At all times our navy had derived great assistance from the mercantile marine, and the country had witnessed with pleasure the adoption of measures calculated to draw the two services still closer together. He would take that opportunity of expressing a hope that the Channel fleet would be permanently maintained, and that we should never again be left without such a force.

SIR FREDERICK SMITH said, he had carefully examined the Estimates, and it was a satisfaction to him to be able to state that he could conscientiously support every item. He regretted, however, that, owing to the manner in which the Estimates had been prepared, it was impossible to ascertain the cost of any one ship in the navy. At present they had not the means of knowing how much had been expended on any particular ship—for instance, the *Warrior* or the *Black Prince*; and the House, in the absence of that detailed information, could not exercise that perfect control which it was necessary they should have over the naval expenditure of the country. He hoped the Secretary to the Admiralty would inform the House what the *Warrior* and the *Black Prince*

had cost, and also whether it was intended to build other ships of the same gigantic size? It was reported that the armament of our ships was to be reduced. Perhaps the noble Lord would explain the reason why. Was it necessary to give more space to the guns, or would our ships not carry the guns for which they were originally intended? That brought him to the subject of the tonnage of the several vessels and the proportionate number of guns which they were to carry. He found that upon that matter no uniform rule seemed to be adopted. One vessel had been laid down to carry 131 guns, and yet had not as large a tonnage as another which was to carry only 40 guns. Hence it seemed to him there must be a great waste of power and an unnecessary expenditure. Again, it appeared from a recent return that the *Albion* had only 36 tons per gun; the *Wellington* only 29 tons per gun; the *Frederick William* only 38 tons per gun; and the *Royal Sovereign* only 29 tons per gun; while among our new vessels the *Orlando* had 75 tons per gun; the *Galatea* 124 tons per gun; and the *Warrior* and the *Black Prince* had each as much as 152 tons per gun. But what struck him as very remarkable was that the *Achilles*, now building at Chatham, would only have 121 tons per gun, showing an increase, instead of a decrease, of armament in proportion to her tonnage. If one of our ships were to engage an enemy's vessel of the same size, but with double the number of guns, the result might be very unfortunate for us. It was, likewise, said that we were going to reduce the number of men on board each ship. Boarding could not be carried on without a large number of men. He hoped, therefore, that the question of reducing the crews and almost disarming the vessels would be seriously considered before being carried into effect. It has been alleged that the new vessels are seriously strained in gales of wind, and that it is on this account that the Admiralty are desirous of reducing the number of guns to lighten the weight. Surely this is a dangerous proceeding, and it would be better to give these ships increased stability even at some diminution of their speed. Some objection had been taken to the composition of the Committee on the constitution of the Board of Admiralty. He believed it was composed of the very best men, who were all well acquainted with the working of the various departments.

There was not one member who wished to shirk inquiry, or throw a veil over their proceedings. He hoped the Committee would be re-appointed, and that it would consist as nearly as possible of the same Members. The inquiry had been only half gone into; and it should be fairly completed. He hoped some Report would then be made which would be acted upon for the benefit of the public service. The removal of the *Britannia* from Portsmouth to Portland had been objected to; but for his part he thought the old Naval College was much better as a school of instruction for the cadets than that vessel. It was most desirable, at all events, that their school of instruction should be placed in immediate connection with some dockyard—Devonport, Portsmouth, or Chatham, for instance. It was a great thing for cadets to be enabled constantly to go ashore into the dockyard, under the superintendence of their officers, to see everything in the shape of machinery actually carried on. But if they were pent up on board for five days in the week, and then allowed to go on shore, they would not go to the smithy but to the cricket-field. With regard to the *Warrior*, he hoped the noble Lord had received some official report of the doings of that ship outward to the Mediterranean, and would inform the House as to the result.

SIR MORTON PETO wished to know from the noble Lord the Secretary of the Admiralty what were the views of the Government with regard to floating basins and docks to receive the large iron-sheathed vessels they were building and must continue to build? He had in former Sessions called the attention of the House to this question, particularly with reference to Portsmouth. They must have some other great naval depôt in the Channel for steam ships. It would be impossible ever to make Portsmouth as secure as the great central depôt of the Channel ought to be if we were to provide for the maintenance of our power on the seas. If he had been correctly informed, the *Warrior* could not be taken out of Portsmouth on more than five days in each month; and it was doubtful if it would be possible, from the continued accumulation of shingle, to maintain a deep-water entrance in that harbour. He wished to know what were the views of Her Majesty's Government upon that point, and whether they proposed to maintain Portsmouth Dockyard as a depôt for our iron-sheathed

*Sir Frederic Smith*

ships? In his opinion, their depôt should not be within the range of five or six miles of an attacking force. The present enormous expenditure on Portsmouth, and all that was doing on the hill immediately above the town, would be practically useless; it was protecting a place no longer suitable for the purposes for which it was intended. The question they had to grapple with was the reorganization of the whole naval establishments. The cheapest thing would be to abolish some of those places altogether. Let them sell the whole establishment of Portsmouth for what it would fetch, and take some other place more suitable for the new character of the vessels of war they were building.

SIR JOHN PAKINGTON: I do not intend to enter into any of the subjects which have been adverted to by hon. Members on either side of the House with reference to the statement we are about to hear from the noble Lord the Secretary of the Admiralty. I think it not only fair, but usual, to await the statement of the noble Lord, and then to make such comments on it as may appear necessary. I shall therefore only follow up what has been said on one subject so far as this, contenting myself with expressing my hope that in the statement he is about to make the noble Lord will give a full explanation as to the intention of the Government to diminish the armament and men on board our ships, which has excited some surprise out of doors. With regard to the re-appointment of the Committee to inquire into the constitution of the Board of Admiralty, considering the very imperfect state in which that inquiry was left by the evidence given last year, I certainly had expected that at the commencement of the present Session some Motion would have been made for the re-appointment of that Committee; and I cannot help thinking the feeling of the Government will be that so important an inquiry as that, having been left in so very unsatisfactory a state, ought properly to be proceeded with. But, whatever the opinion of the Government as to the re-appointment of that Committee with regard to the constitution of the Board of Admiralty, I beg to remind the Government and the House that another question of very great interest was referred to that Committee—I mean the present system of promotion and retirement in the Royal Navy. If I remember rightly, the noble



Lord at the head of the Government was very distinct in the pledge he gave, that that matter should not be evaded, but that the inquiry would in that respect be fairly carried out. It is a subject to which the profession look with the greatest interest, and therefore I hope, whatever views may be entertained with regard to the more general inquiry, at all events this portion of it will be fully investigated.

LORD CLARENCE PAGET: I am very much indebted to the right hon. Gentleman the Member for Droitwich for alluding to the difficulties I am placed in by having to answer a variety of questions concerning the navy before I have the honour of making my statement on introducing the Estimates. I trust hon. Gentlemen will not think it disrespectful to them if I request them to allow me to make my statement in the first instance, as I believe they will then be put in possession of much of the information they desire to obtain. Before proceeding to answer the Questions on the paper, I should like to congratulate my hon. Friend the Member for Portsmouth (Sir James Elphinstone) on the fact, that the reports he has heard of the bad health of the cadets on board the *Britannia*, at Portland, are quite unfounded. I am sure he will be happy to hear that their health is very satisfactory. There was a report in one of the journals to-day that the cadets were suffering very much; we sent a telegram down, and we found that the whole number of cadets on the sick list was fourteen—at this time of the year not an unusual number. Well, the first Question put to me was by the hon. Member for Christchurch (Admiral Walcott). He asks whether the Royal Marines sent to act in conjunction with the troops of France and Spain upon service in Mexico were supplied with tents and field artillery? In answer to that question I may state that they have not been supplied with tents, nor with any other field artillery than that which ships of war usually have on board. It is not the intention of the Government that they should leave the neighbourhood of their own ships, and therefore there will be no great need of tents for them. The Government are fully alive to the necessity of removing these troops before the unhealthy season arrives. The next Question which has been put to me is in what manner the surplus stated by me to have

existed from the last year's Estimates has been disposed of, and to what extent, if at all, it has been applied to the increase of the fleet consequent upon the late difference with America? The surplus to which I alluded was about £100,000. The House must understand that when the Admiralty asked last summer for the £250,000 for iron-cased ships they did not intend to appropriate any part of that sum for any other purpose than the one for which it was voted. It had so happened that the contractors were behind-hand with the work, and that many of the plates were rejected, the consequence of which is that a certain portion of this money has not been expended. That, however, is not the fault of the Admiralty. That £100,000 will lapse into the Exchequer at the end of the financial year, but I apprehend that it will go towards the diminution of the charge for the hostilities in China. This is more a question for the Treasury than for the Admiralty, but I believe the ultimate destination of the surplus will be as I have stated. With respect to the Select Committee to which reference has been made, the Government do not desire that that Committee should not go on. On the contrary, they are perfectly willing that it should sit. Certainly, if I consulted my own personal convenience I should be glad if it did not go on, because it would take up a great deal of my time. The hon. Member for Portsmouth (Sir James Elphinstone) has insinuated that the Admiralty are anxious to evade this inquiry. That is not so. They are quite ready to agree to its resumption, if such should be the pleasure of the House. It is not, indeed, the province of the Government themselves to propose the re-appointment of the Committee; but if any hon. Gentleman will make that Motion, all I can say is that they will not oppose it. I turn next to the very important matter touched upon by the hon. Baronet the Member for Evesham (Sir Henry Willoughby). He says that the dockyard accounts are in a very unsatisfactory state, and assumes that the Government have been taking no steps for their rectification.

SIR HENRY WILLOUGHBY: I merely asked what steps had been taken.

LORD CLARENCE PAGET: Will the House permit me shortly to describe what has taken place in this matter on the authority of the Accountant General of the

Navy? The Accountant General states that he has personally visited the yards, and formed at each yard an Admiralty Audit Office, out of the clerks employed in the yards, at a very trifling additional expense. He has confined his change in the present year to a verification of the accuracy of the existing accounts, and to an exact subdivision of the expense incurred for building the iron-cased ship *Achilles*, at Chatham, which, upon recent investigation, is shown to be more exact and complete in detail than the accounts kept by private firms. Steps are also being taken by him for revising the forms and books of accounts for the expense of ships, steam factories, manufacturing shops, and conversion of stores and timber; so that, from the commencement of the ensuing financial year, amended accounts will be kept on a more simple, and, at the same time, comprehensive system, whereby a clearer record will likewise be kept of the dockyard expenditure in double-entry books in the department of the Accountant General of the Navy, and the audited results will be laid before Parliament. I conceive that nothing could be more complete than that proposal of the Accountant General, by which, from the beginning of the next financial year, we shall be able to know the exact cost of every ship. I hope that thenceforward the dockyard accounts will be kept as satisfactorily as the personal accounts of the navy, which are well known to be the pattern accounts of all the Departments.

MR. LINDSAY wished to make a few remarks upon certain new Votes in these Estimates which were likely to become permanent. There was an item of £150 for a librarian. He did not object to there being a library for the navy, but he hoped it would contain some volumes teaching the art of book-keeping upon a more intelligible principle than was now followed in that department. The hon. Member was proceeding to comment upon the item for salaries of naval instructors, when—

MR. SPEAKER said, it was irregular to refer in detail to the separate Votes, on the Question that the House do go into Committee.

MR. LINDSAY said, he would confine himself to the general question. Our naval expenditure had enormously increased of late years. When the present Government acceded to office, they asked for upwards of £12,000,000 for the navy;

and as they declared that that sum was necessary to enable them to complete the changes and improvements begun by their predecessors, the House did not refuse to grant it them. The House did not suppose, when they voted that large sum, that the increased Estimates were to continue, and that they were pledging the country to a continued outlay of £12,000,000 a year after the navy had been brought into an efficient state. He would not insist that we should go back to the scale of 1835, but that we might now be well content with the Estimates of 1856, which did not exceed £8,000,000. The noble Lord the Secretary of the Admiralty had told them last year that it was impossible to decide what should be our force in men and ships without reference to the forces of other Powers, and especially referred to France. He (Mr. Lindsay) agreed in the opinion, rigid economist as he was, that it was absolutely necessary to maintain our maritime supremacy let it cost what it might, and that we should have a navy equal not only to that of France, but equal to the naval forces of France and any other maritime Power combined. The noble Lord told them also that France was then building two powerful iron-clad ships of fifty-two guns each, four others of from thirty-six to forty guns each, four batteries mounting fourteen guns each, and five gun-boats, partially cased with armour, and all which could be afloat in a short period of time. Upon the faith of that statement the House voted the large sum then asked for. In July last, just before the prorogation, the noble Lord came again, and asked for £250,000 as an instalment of two millions and a half for building six iron ships larger than the *Warrior*; but he (Mr. Lindsay) thought that the cost of those vessels would, most probably, be at least four millions. The noble Lord then stated as the reason for his demand that since his previous Estimate other nations had been adding largely to their iron-clad navy, and he urged the necessity of further exertions to keep pace with foreign powers. He (Mr. Lindsay) then warned the Government not to be led away by the reports of Admiral Elliot (upon which the reports of the Admiralty were to a great extent founded), who had made a flying visit to the French dockyards, of great preparations which a friend of his (Mr. Lindsay's) who had also visited the French dockyards, had been unable to see, or to the alarm which had affected the right hon. Member for

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Droitwich on this subject. On the next occasion the noble Lord at the head of the Government stated that they knew that France had then afloat six iron vessels, that the keels of ten others had been laid down, that they knew the names of the vessels and the ports at which they were being built, and that, if exertions were made, they could all be completed within eighteen months; and that the Government also knew that in addition to these sixteen vessels France had eleven floating batteries, two of which were powerful, sea-going vessels; making in all twenty-seven iron ships, which could be afloat and fit for sea at the end of two years. The noble Lord the Secretary of the Admiralty also gave the names of the vessels and the places at which they were being built. He (Mr. Lindsay) was so staggered with that statement of his noble Friend that he could not oppose any request that we should place ourselves on an equal footing with France as to iron ships, although he never had the most remote idea that the Emperor of the French had intended to invade our shores. He was too sensible a man for that; his safety and happiness depended too much in maintaining peaceful relations with England. It was also suggested by many of these alarmists that when England should be engaged in trouble with another Power, France would seize that opportunity to harass us; but recent events showed how baseless that suspicion was. When we were likely to be engaged in hostilities with a powerful nation across the Atlantic, the Emperor of the French, against whom we were building all these iron ships, was our best friend; and although the conduct of Her Majesty's Government had done much to bring about the release of Messrs. Slidell and Mason, there could also be no doubt that the masterly despatch of M. Thouvenel had as much to do with that result as the powerful fleets we were despatching to those shores. But would the noble Lord now tell the House whether France had the large number of vessels of which he spoke now at sea. He (Mr. Lindsay) had that morning received an account of the French navy on which he could place reliance, which showed what was the real state of their iron navy. The *Gloire* was afloat and at sea. The *Invincible* and the *Normandie* had made trial trips. The *Couronne* would have a trial trip in the course of this week. The *Magenta* and the *Solferino* would not be ready for three months yet. But where were

the ten vessels that were to be launched last year, on the faith of which we had agreed to a vast expenditure? Not one of them would be launched in the present year. Now, what was our force at the present time? We had two large iron vessels afloat—the *Black Prince* and the *Warrior*. We had two smaller vessels—the *Defence* and the *Resistance*—afloat. Two others were building, of a size between the *Warrior* and the *Defence*. We had laid down the *Achilles* at Chatham. There were also five line-of-battle ships being plated with iron, for which the money was Voted in the Estimates of last year. Six others, of a size larger than the *Warrior*, were to be built, on account of which £250,000 was voted in July last. Thus altogether we had built or building iron vessels of an aggregate burden of about 86,000 tons; while France, when she had all her iron vessels afloat, would only have about 50,000 tons. We had now four iron-sides afloat, of 19,000 tons, against four French iron-sides of 12,000; so that we were at present superior to France in this respect. Then what was the noble Lord going to do with the £12,000,000 which he asked for this year? Of wooden vessels it was admitted that we had enough; and what was to be the limit to the expenditure upon iron ships? When would the noble Lord be able to close his capital stock, and only build ships to replace those which wore away or were lost? Although last year £1,000,000 was voted in order to keep a proper stock of timber in reserve, yet now the noble Lord asked for £600,000 more. What could it be for? Leaving points of detail to be dealt with in Committee of Supply, he must enter his protest against the large expenditure now proposed, although there was not the most remote hope of cutting down a single sixpence of it. We were now spending some £20 or £25 every minute upon our navy, and he could not but think that so large an expenditure at a time of peace, and at a time also of such distress at home, was quite unnecessary.

MR. BAXTER said, that he entirely concurred with his hon. Friend the Member for Sunderland (Mr. Lindsay) that at a time like the present, when they were at peace with all the world, it became the duty of hon. Members, in justice to their constituents, to ask the Government to give them very cogent reasons for demanding such an expenditure as

£12,000,000 on the navy—being between £2,500,000 and £3,000,000 more than it was two or three years ago. Having carefully studied the subject, and having no sympathy with the views advocated by any Peace Society, he must say he was at a loss to discover a just and sufficient reason for laying an Estimate to this extent upon the table of the House of Commons. One could very well comprehend the reason of the right hon. Gentleman the Member for Droitwich (Sir John Pakington) asking for an increase of the Navy Estimates, because, during the year he was in office, to use his own words, “the navy had to be re-constructed.” They were now, however, in a very different situation. Since then, he freely admitted, there had been such a feeling in the country—caused, he had no doubt, by grossly exaggerated statements—with regard to the naval preparations of France, that the Government, considering and liking their places on the Treasury bench, could not very well afford to reduce the expenditure. But now that they had an abundance of line-of-battle ships, and they were all agreed there was no danger of invasion from France, he asked why, in these altered circumstances, they should not return to the ordinary average rate of expenditure before the existence of such disturbing causes? He was no advocate of false economy. He should deprecate, for instance, going back to the expenditure of the year 1835, and should regret seeing the Navy of England at any future time brought to such a low ebb. He agreed with the hon. Member for Sunderland that the navy ought to be maintained in such a state of efficiency as would enable this country to protect its commerce and to vindicate the honour of its flag. Our insular position, the number and extent of our colonies, and our immensely increasing trade, rendered it imperative on our part to keep up a navy not only greatly superior to that of any other country, but a navy superior to that of any two leading Powers combined. But though he desired to see the navy placed on this footing, still there was a point beyond which liberality became extravagance; and he must say he saw no reason, either in the position of this country or in its relations with foreign Powers, for now spending on the navy £12,000,000, whereas they only spent £9,000,000 in 1857-8. The hon. Member for Sunderland referred to the discussions that took

place on this subject in the course of last Session. When the Navy Estimates were brought forward in March, he (Mr. Baxter) endeavoured to show that the preparations which were said to be going on in the naval arsenals and dockyards of France were greatly exaggerated. He then maintained three points, and he was prepared to maintain them still. The first was, that in round numbers England had double the number of ships possessed by France, whether sailing vessels or steamers. This country possessed 73 line-of-battle ships, while France had 37. Last year England had 67 frigates of more than 20 guns, and France 38. His next point was, that there were then more men and boys in the Royal Navy of England than in the entire mercantile marine of France; and his third point was, that so far from their having been any wonderful activity displayed in the naval arsenals and dockyards of France, the true state of the matter was the very reverse. At a very late period of the evening, when the House was getting very impatient, the noble Viscount (Viscount Palmerston) made a “Rule Britannia” sort of speech, in the course of which the noble Lord laughed at the statistics which he (Mr. Baxter) had given, but he did not venture to refer to any statistics in detail. But one remarkable statement the noble Lord did make, and that was that the French Government had ordered the construction of ten vessels of the size of *La Gloire*. On the second discussion that took place upon the Navy Estimates the noble Lord the Secretary to the Admiralty stated, that since he had laid the Estimates before the House, nine iron-cased ships had been laid down in France in addition to the six iron-cased ships the names of which he had given. As the continued great preparations of their illustrious neighbour were really the only reason why the naval expenditure was kept up to three or four millions beyond the average, and the only reason why they were to be called on in Committee to vote what were really war estimates, he (Mr. Baxter) had now risen for the purpose of backing up the appeal made by the hon. Member for Sunderland to Her Majesty’s Government for some information upon this subject. He hoped the noble Lord would that night, or on some early occasion, tell the House if the Government had any new light on this matter. He should like to hear from the noble Lord what had been the performance



of *La Gloire* and of the two vessels which he stated would be at sea in a few months—namely, the *Magenta* and the *Solferino*; and also, how many more of these terrible vessels of war were to be launched this year? He also wished the noble Lord would tell the House whether, according to the information in possession of the Government, the same gigantic preparations were being made at the arsenals and dockyards of Cherbourg, L'Orient, and Toulon? All he could say was, that gentlemen thoroughly acquainted with France, and on whose capacity and judgment he relied—though they might possibly be the victims of Imperial cunning—had told him that *La Gloire* was unseaworthy, and that the few vessels the French Government were building progressed very slowly, and he was credibly informed of the still more remarkable facts, to which he had ventured to allude last year, that the maritime inscription in France, so far from being successful, was every year becoming more bitterly disliked by the people and more difficult to enforce, and that the French mercantile marine, to which they had always looked to recruit their navy, steadily and continually decreased, and had been decreasing for many years. He had been also told that in the Mediterranean, of which hon Gentlemen had often spoken as a French lake, there were actually more British ships than there were French; and France, that was supposed to be about to invade these shores, had no fleet whatever in the British Channel. He would not vouch for any of these facts, he had only related what others had seen with their own eyes; but recollecting the speech of the noble Viscount (Viscount Palmerston) last year, he hoped some Member of the Government would take an early opportunity of informing the House how the case at present stood. Were he satisfied he had been misled, and that great naval preparations by France were still going on, he should be the last man to offer any opposition to the Navy Estimates proposed by Her Majesty's Government.

Motion agreed to.

#### SUPPLY—NAVY ESTIMATES.

House in Committee.

MR. MASSEY in the Chair.

(In the Committee.)

LORD CLARENCE PAGET: Sir, previous to bringing these Estimates before the Committee, I must briefly notice the

remarks of my two hon. Friends in relation to the strength of the French navy. I am sorry to have to allude particularly to the number and classes of vessels of war belonging to that nation. We have had many discussions on this subject, and I am afraid they have often led to some ill-feeling on the other side of the water. I must say I think it undesirable at the present time again to enter upon this topic, more particularly as the public in this country has been convinced that the French Emperor has acted most honourably and fairly towards us. Under these circumstances, it would be much more pleasing to me to pass over this subject altogether, and confine my observations exclusively to our own affairs. But my hon. Friends seem to doubt the accuracy of the information of the Government; they seem to doubt whether the Government has not been deceived. But I am bound to tell the hon. Member for Sunderland and the hon. Member for Montrose, that every word the noble Lord (Viscount Palmerston) said last year with regard to the naval force of France is accurate; that every one of the iron ships mentioned exists. Six of them are afloat. [MR. LINDSAY: Not afloat.] The *Magenta* and the *Solferino* are both afloat. I can give the names of the others if the Committee desire it. ["No, no."] It is true they are not all in commission, but they are afloat, and might be got ready for sea service in a short period of time. I am perfectly ready to admit that we believe the preparations that have been going on in the French dockyards are not at this moment so great as they were at this time last year. But do not let anybody deceive themselves, or suppose that the French do not intend to add to their navy. We know that the Emperor and every lover of his country are desirous of having a powerful navy; and I can assure the hon. Gentlemen, without going further into details, that the force I enumerated to the House last year, all exists, and is all in a state of progress. However, I pass over this subject, at least for the present; and will now address myself to the Estimates I have to lay before the Committee.

Sir, the total amount of the Estimates for the navy for the year 1862-3 is £11,794,305. The amount of the same Estimates for the year 1861-2, including £250,000, the supplemental Estimate which Government asked and received in

the summer of last year for iron-cased ships, and including the £364,338 voted a few days ago for an excess of expenditure to the 31st of March next, was £12,640,588. Consequently there is a decrease on the next year, as compared with the present, of £846,283. The decrease is caused partly by a diminution of the number of seamen proposed to be taken, and by the reduction under the heads of the purchase of naval stores, for building and repairing ships, and the purchase of steam machinery. There is another Vote on which there is a reduction—the Vote which refers to the transport of the army. On that Vote there will be a considerable reduction; and here let me say that in that Vote is included a sum of £42,000 for the paying off of the transports which have lately been employed in the North American expedition. I think I may truly state that when that £42,000 is paid, the whole expense incurred for that expedition, as far as the Admiralty is concerned, will have been completed. There will be no more to pay off. Upon some of the other Votes there is an increase. There is a considerable increase on the Vote for the Naval Reserve; and when I come to explain it, I am sure the House will be glad to agree to that increase, because it denotes that we are gradually bringing together a most valuable reserve. There is also an increase on the Vote for artificers, which is of no great importance. It is in consequence of our having decided that it was absolutely necessary that we should take on a considerable number of hired men for a limited time, with a view to repairing the ships employed in the China war, of which a great many have returned home. Their repairs are urgently necessary, and the Government therefore determined that there should be a slight increase in this Vote.

Before I proceed to state the number of men we propose to take, let me ask hon. Gentlemen who study these Estimates to remark that though there appears on the face of the Estimates a decrease of no less than 9,000 men, yet that apparent decrease is simply in consequence of the Admiralty having thought it better this year to show distinctly the whole number of boys voted. In previous years the boys have been merged in the seamen, the only boys shown were the 2,000 under training. This year the men and boys employed are shown separately. The actual diminution

of men is 2,000 seamen for the fleet, and 200 men of the coastguard. That is to say, for 1862-3 we propose to take a force, of officers, seamen, marines, and boys, of 76,000 men, against 78,200 for the past year. The proportion of boys remains exactly the same. I should inform the House that this reduction has already been partially effected. At page 16 of the Estimates will be found the number of men borne on the books in each month; and it will be seen that, of the whole reduction of 2,000, we have not now above 1,000 to reduce. The decrease will be gradual. There will be no breaking of faith with the seamen. As the ships come home and the men are paid off, all who desire to enter for continuous service, having good characters, will be permitted to do so; and, in fact, the only reduction will be by casualties, so to speak. An hon. Gentleman desired that I should state how the continuous service was working. I am very glad to say that it is working satisfactorily. Last year, I told the Committee that one-half of the seamen of the navy were continuous-service men. This year I am happy to be able to state that nearly two-thirds are continuous-service men.

I propose now to follow the time-honoured custom of giving to the House some account of the state and condition of the navy. First of all as to our force in commission. We have at this time at home two line-of-battle ships, two iron-cased frigates, two frigates and corvettes, and four sloops; making a total of 10 ships in the Channel. In the Mediterranean we propose to maintain 9 line-of-battle ships, 4 corvettes, and 15 sloops, making a total of 28 vessels. On the American station we have, or rather had, 8 line-of-battle ships—a number which has been decreased by the lamentable loss of one, and that one of the finest vessels in the navy. The only consolation we can offer to ourselves is that there were no lives lost. She was lost upon a wild, broken coast, and it was a mercy that her crew were not lost also. We have also on that station 10 frigates and corvettes and 13 sloops, making a total of 31 vessels. On distant stations we have 22 frigates and corvettes, with 58 sloops, gunboats, and other small vessels, making a total of 80 vessels. The total force, therefore, is 19 line-of-battle ships, two iron-cased fri-



gates, 90 sloops, gunboats, &c., 38 frigates and corvettes; making a total of 149 ships. We hope also to make a small addition to our Channel squadron. That is a general view of the intentions of the Government during the coming year. But I must also say that the Admiralty are very strongly of opinion that it is advisable—in some cases, at all events—to substitute frigates for line-of-battle ships. The frigates are, in many respects, in time of peace, better vessels. They are less costly, and require fewer men; they are good for evolutions for all service purposes; and, moreover, it is very desirable that we should have these large ships in reserve rather than always at work and necessitating repairs. I was asked the other day whether the Admiralty had not spent a great deal of money in preparing frigates for the North American expedition. The Admiralty did prepare a great many ships, but these ships will come in; part of them will be commissioned in lieu of several line-of-battle ships now coming home, and the preparation thus made will serve for the future requirements of the navy. In addition to the ships I have enumerated, we have 2 coastguard ships and 9 blockships; making 11 ships in the coastguard service. Our total force afloat, therefore, will amount to somewhere about 160 ships of all sorts. With regard to our men, we propose to maintain on the home station during the coming year for service at sea a force of officers, marines, seamen, and boys, including the coastguard afloat, amounting to 15,200 men. In the Mediterranean we propose to maintain a force of 9,800 men; and on the North American and Mexican station 12,200, including 700 marines who are disembarked. That is a total of 37,200, which may be considered to be within call of home. In these days of steam it may fairly be considered that the whole of these men, and ships likewise, on the Mediterranean and North American stations, are practically available for all purposes of home defence, should it be necessary. We should have, besides, on distant stations protecting our commerce a force of 17,000 men, making a total afloat of 54,200 men. That is the total number of men we propose to maintain for the fleet and the coastguard afloat.

I now desire to show the Committee that although we are asking for a smaller Estimate this year on account of the men,

and, although hon. Gentlemen opposite may feel some alarm at any diminution of our force at the present time; yet when I state what force we have available for the year I do not think anybody on either side of the House will be of opinion that we are not in a fair state of preparation. At the same time, I do not think we have any too many men. The men that we have available for immediate service without calling on our reserves are the following:—We have in the home ports disposable—exclusive of boys in training—4,400 men and trained boys ready to go to sea. The right hon. Baronet the Member for Droitwich, when I made a similar statement last year, said, “But what are these men?” My answer is, that they are men we could put on board any ship we like. It was from this source that we manned three frigates at the late crisis, and there are nearly four frigates’ ships’ companies ready to put on board to-morrow. Then we have marines ashore 9,800, coastguard on shore 4,000, riggers in the dockyards—who are first-rate seamen, and ready to embark—700; able-bodied naval pensioners, 2,700; and able-bodied marine pensioners, 1,700—making a total force available, without calling on our reserves, of 23,300 men. That is our normal state of preparation, irrespective of everything in the shape of reserve. [Sir JOHN PAKINGTON: Over and above the crews of all ships in commission?] Over and above the crews of ships in commission; including marines on shore, but excluding the training boys, who we think are not yet useful.

We next come to that magnificent force which has just been created—the Royal Naval Reserve. It is impossible for me to say more than has been already said both in and out of this House as to the patriotic and noble conduct of the men composing that force. We may entirely rely upon those men. Everything which has occurred tends to show that they are men upon whom we may thoroughly depend. They are first-rate seamen. Every merchant gives them the preference in manning his ships. They are steady men, and all that we hear is to their advantage. Last year I was thought over-sanguine when I anticipated that we should raise 9,000 or 10,000 of these men within the year. To-day we have 10,000 and odd men either enrolled or just about to be enrolled. That is very satisfactory. It is quite right that we should

be proud of this result, but it is also right that we should know the cost of it. We at the Admiralty have been at great pains to ascertain the cost of this force. If any hon. Member likes to move for the details, he will find them very interesting, and the Admiralty will be very glad to produce them; but, not to detain the Committee too long, I will state shortly that the cost per man, including the expense of training ships, their officers and crews, the retaining fees of the men, their lodging and provisions while on board, the pay of shipping masters, and every other detail, is about £13 per man per annum. Last year I put it at rather a higher figure; but of course as the men increase in number the expense per man diminishes, and therefore we may expect that when the full number is enrolled the cost will not quite reach that amount. That £13, however, does not include any provision for pensions. The Royal Commission recommended that a sum of money should be taken every year to be applied to the formation of a pension fund. The Government considered that scheme, but its advantages were not found to be such as to warrant its adoption. If we assume that the proportion of men obtaining pensions will be the same on the Reserve as among the seamen of the navy, the cost of pensions will average about £2 per man per annum. That of course is merely speculation, because as yet none of the men in the Reserve have arrived at the age at which they become entitled to pensions. I cannot pass from this subject without alluding to the scheme for officering the Reserve which the House approved last year. I am glad to be able to inform the Committee that the finest and best officers of the merchant service are flocking into our ranks. They are ambitious of serving their country, and I believe that we shall shortly have as many officers as we are authorized by Parliament to engage. It, therefore, becomes a most important question as to what is to be the future of this Reserve, especially as concerns their officers. Government have done everything that could be done in the way of giving full opportunities for drill—that is to say, by establishing at the principal ports drill-ships, superintendents of drill, and all that is requisite for that purpose. But what we can do in that respect must ever be limited to manual exercise at the gun. That which

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is essential to make a real gunner is target practice, and for that it is impossible that the Government can provide. I think it would be worthy of consideration in the future whether, when each one of these officers has studied the higher branches of gunnery, has proved himself competent to manage a gun, and has got a crew of Naval Reserve men, we might not supply a gun to his ship, exactly as they are supplied to the Volunteer artillery upon the coast. I throw that out for future consideration. If they are to be useful in action, they must have been taught to fire at a target; manual exercise can only be a very incomplete instruction for a gunner. I have stated that we have to-day more than 10,000 Naval Reserve men; we have likewise of Coast Volunteers 8,000. Taking the total force, including reserves, available for the defence of the country, irrespective of the fleet which is afloat, we have 40,800 men ready to go on board our ships if any emergency required their presence. And in making that statement I have made the proper deduction for the men belonging to the Naval Reserve who are on distant stations, and therefore could not be counted upon within, say, six months. Adding to this number our force in commission, we have a total force of, in round numbers, 95,000 seamen, marines, and boys. I believe that we are at last approaching a satisfactory state as regards our force afloat and our reserves.

I now turn to another matter which is of vital and growing interest—the education of the force of boys which is maintained as a nursery for the navy. We maintain, at the present time, as I have stated, 9,500, of whom 6,500 are in the fleet, 500 are in the Coastguard ships, and 2,500 are in the training ships. We have at the principal ports five training ships, on board of which are 2,500 boys, and attached to these ships are four brigs, on board of which the lads are taken to practise them in seamanship.

SIR JOHN PAKINGTON: Are the five training ships of the class recommended by the Commission?

LORD CLARENCE PAGET: Yes, certainly, they are line-of-battle ships; the *Caledonia* is one. These boys will, I believe, become a most superior class of sailors. They are well educated, and will turn out some of the most valuable men in the fleet, but they are very costly. I desire to impress this cost upon the Committee, because we are daily receiving



requisitions from the great merchant ports, asking the Government to undertake the education of their boys. The Admiralty are fully sensible of the importance which is to be attached to the education of boys in the merchant navy; but, seeing how heavy our Naval Estimates are, I think that we are perfectly right in deferring what is called "the second or mixed boy scheme" of the Royal Commission until we can show some greater reduction in our normal expenses for the navy. These boys—and again if any hon. Member chooses to move for the detailed return, which will be found very interesting, I shall be glad to lay it upon the table—cost us nearly £45 per head per annum. The annual cost of each boy is within £5 of that of a marine, and within £15 of that of a seaman in the fleet. It is interesting to inquire how many seamen these boys supply per annum. We calculate that the waste of boys from discharge, death, desertion, and other causes, amounts to about 7 per cent per annum; and, taking the average period of training at three years and a half—they enter from 14 to 16—it gives us in round numbers 2,500 boys per annum becoming seamen for the supply of the Royal navy. I now proceed to consider what is our annual waste, or casualties, in seamen. It is very remarkable what a small proportion of the whole number borne on the books is formed by the petty officers and seamen. Out of our total force of 76,000, including the Coast-guard, we have only 40,000 petty officers and seamen. The Committee will be glad to hear that there has been a reduction in the number of desertions in the navy; so that, instead of taking 12 per cent for waste, as I did when I brought this subject before the Committee last year, I need only take 11 per cent this year. On the force of 40,000 the percentage of waste would therefore be about 4,400 per annum. Of these vacancies 2,500 are supplied by boys, leaving 1,900 seamen to be obtained from other sources. These details are important when considering how far we ought to carry the boy system—a subject which has very much engaged the attention of the Admiralty. Knowing the fine class of boys we can turn out, it might be argued that we ought to supply this deficit by increasing still further the number of boys; but ought we not to keep up a steady flow of seamen from the merchant service, in order that the distance and difference between us may be overcome? The Admi-

ralty consider the present number of boys to be very much what is required for feeding the navy.

As we are now happily at peace, and as I trust things on all sides look as if we need no longer entertain apprehensions of war, I think this may be a moment when the House will permit me to make some few remarks with regard to the condition of the seamen. My lamented Friend Lord Herbert, when he brought forward his Estimates, used yearly to devote a considerable time to informing the Committee how the soldiers fared in health, in position, and in prospects; and I will now endeavour in a few words to show the improving condition of the British seaman. A most important indication of the state of the Navy lies in the health of the seamen. We have Returns of the mortality of the fleet. The death-rate per thousand is, as compared with other branches of the Public Service, in some respects satisfactory, but in others, I am sorry to say, such is not the case. As regards the home station, the average is not above that of other public services—the police, soldiers, and so on; it is about 10 per thousand annually. But I regret to say that at some of the stations the death-rate has been very high—as high as 60 per thousand. These, I am bound to say, were exceptional cases, such as in the Chinese war, where the men were subject to great exposure. But the average on the whole of the navy is about 16 per thousand per annum. The Admiralty have been led seriously to consider whether some improvement might not be made, in regard, first of all, to the food of the seamen, and likewise with respect to the ventilation of their sleeping-places. We have had a Committee sitting some time, and the result has been that the Admiralty have decided to adopt every possible means of improving the ventilation of the ships. Hon. Gentlemen who have been on the lower deck of a frigate or line-of-battle ship when the men are asleep will admit that the atmosphere there is enough to provoke disease. We have received reports from some of the large ships in the Mediterranean, showing that fatal diseases, phthisis, and fevers, are but too prevalent; and a principal cause of these is the crowded state of the decks. This leads me to advert to what several Gentlemen—my gallant Friend the Member for Devonport among others—alluded to as being about

to take place—the reduction of the complement of men in Her Majesty's ships. We propose as a tentative measure, that on board of certain large ships in the fleet the complement should be reduced in the following proportions :—In line-of-battle ships from 880 to 800 men ; in some of the frigates from 570 to 510 ; in the smaller frigates from 350 to 310. I advert to this here merely to say that one of the principal reasons for reducing the complement of seamen is that ventilation may be improved. With regard to food, the House last year, at the suggestion of the Admiralty, allowed an establishment to be formed at Deptford where beef could be both killed and cured in our victualling yard. The operations there carried on have been productive of the greatest comfort and advantage to the seamen ; but it is right to tell the House that its generosity to our navy has not been unattended with expense. The additional cost of providing first-rate beef is itself considerable, but depend upon it it is money well spent. The meat now purchased would be fit for any gentleman's table, and contrasts forcibly with the old "mahogany" we were used to in our young days. Both officers and men will now have very good corned beef. There are other measures which the Admiralty are desirous of carrying out ; but these are matters requiring to be handled with the utmost consideration, delicacy, and care, because we know that seamen have a traditional suspicion of the Admiralty. Ever since the last century it has been the practice in the navy for seamen to receive allowances for "savings" of provisions. But this has been found to be a premium on starvation. Instead of being well fed, as we desire them to be, and as growing boys especially require to be, these latter, who are obliged to submit to the rules of their mess, together with the men, actually save so much out of their food often, in order that they may spend the amount on shore. The Medical Director General of the navy has reported that it would be greatly conducive to the health of the men if by any means that system could be done away with, but it is connected with the pay of the navy, and is therefore surrounded with great difficulties. With regard to the pay of the navy, I have often stated that the pay is above £3 a month, taking into account all the allowances they receive, and therefore higher than the pay of the merchant service, though sailors in the latter will

not believe it. One can easily understand how this old-fashioned system of savings grew out of the wants of the day. The payments to men for their savings of provisions were very natural when the resources of the country were limited, and it was difficult to purchase provisions ; but there is no similar object to be gained in the present day. I do trust, therefore, that whether by the present Government or by that of my right hon. Friend opposite some new scheme may be devised by which the men may be paid on a more simple plan, so that they will really know what they are receiving, and that, combined with that measure, this old-fashioned and detrimental saving system may be abolished. There are other matters also in which improvements may be made. On board the French ships, for instance, the sailors have baked bread as good as any gentleman could have in London or Paris. I think it very desirable that the British sailor should have soft baked bread instead of the perpetual hard biscuit. I state these matters to the Committee to show that we are alive to our deficiencies, and desirous in every way to improve the condition of our splendid service. We have received Reports stating that the greatest benefits have resulted from the distilling apparatus which enables the men in the fleet to have pure water. Every ship is now fitted with a distilling apparatus, so that in every part of the world our men are supplied with the best water. There are other points connected with their social condition, education, and other matters. As regards education, ought not our men to be educated as well as any men of a similar class in this country ? I can assure the Committee that the desire of the governing body in the navy is that they should be. It is quite true that education has hitherto been given, but we called for Returns on the subject and could get none. We have had schoolmasters for a great number of years, but in most cases they were men of an inferior class, and the scholars could not have been expected to make much progress. However, we have applied to the Treasury lately for the means of appointing schoolmasters of a superior class, and we trust that education in the navy will be greatly improved. The Civil Lord of the Admiralty has undertaken to gather in statistics on this subject, in order that we may be in a position to judge of the results of the

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improved system. I cannot pass over another subject which indicates so clearly the amount of popularity of the Navy among seamen—namely, desertion. I hold in my hand a very interesting Return, to which I beg to call the attention of the Committee. It shows that a gradual improvement has been taking place, and that that improvement has not been checked since 1857, except in the year following that in which the large bounty was given. In 1857 the desertions amounted to 5 per cent; in 1858 they fell to  $4\frac{1}{2}$  per cent; in 1859 to 4 per cent; in 1860 they jumped up to  $5\frac{1}{2}$  per cent; but in 1861 they had fallen to  $3\frac{1}{2}$  per cent. From this Return the Committee will perceive that the desertions have fallen one-half per cent each year, with the exception of the year 1860. The high bounty was given in 1859, and in that year many men joined who ran away in the winter and spring following. One more Return and I will relieve the Committee of this branch of the subject. Corporal punishment in the navy has also been on the decrease. In 1857 it was administered to 3 per cent of the numbers in the fleet; in 1858 to  $2\frac{1}{2}$  per cent; in 1859 to 2 per cent; in 1860, the date of the last Return, to only  $1\frac{1}{3}$  per cent. I think that decrease in corporal punishments is satisfactory; but hon. Members may wish to know the cause of the decrease. I may say that it is to be found partly in the fact that superior men are coming in; but it may also be traced to the disinclination of officers to inflict corporal punishment. We are to some extent substituting imprisonment for corporal punishment; but under existing arrangements imprisonment has its disadvantages, for by imprisonment in the ordinary gaols many a fine seaman is thrown into contact with immoral characters who send him back contaminated. What the Admiralty wish for, and for which we take a Vote in these Estimates, is a naval prison, governed by naval officers, and entirely under our own eye. We expect that out of such a prison men will come back to us improved instead of demoralized. There is one more point with regard to the condition of our seamen. I can assure the House that the subject of naval barracks has not been lost sight of. My hon. Friend the Member for Portsmouth (Sir James Elphinstone) has come down primed to attack the Secretary to the Admiralty on this point; but I do not think that my hon. Friend can have looked into the Esti-

mates when he attacks us for not having provided for naval barracks; if he had done, so he would have found a very large item there for naval barracks at Devonport. [Sir JAMES ELPHINSTONE: There is no provision for barracks at Portsmouth.] The hon. Gentleman is right there—there is no provision for barracks at Portsmouth. We admit the utility of such establishments; but we must not undertake too much at once—we must bear in mind the Italian proverb, *Chi va piano va sano*. We propose to commence with the construction of a barracks at Devonport. No doubt my hon. Friend would rather we began at Portsmouth. This question of barracks is one of immense interest, and the curious part of it is, how it has grown with the changes that have taken place in the last few years. My late gallant Friend Sir Charles Napier asked for barracks in order that our seamen might not be kept for four or five months aboard hulks while their ships were fitting out; but I must remind the Committee that we fit our ships out in a week now. Therefore on that ground we have no need for barracks; but we want them in order that our men may have a tour on shore. It would be very desirable to put them in barracks to go through a tour of duty on shore in the dockyards, where they would be eminently useful in fitting ships, and I trust will eventually enable us to dispense with a portion of the vast establishment of yard-craft men, riggers, labourers, &c. What the navy wants is organization. Hon. Gentlemen may have read Admiral Sir Frederic Grey's pamphlet on the subject. I am not bound to his or to any other particular scheme, but I do say that the navy wants to be organized. When our frigates were sent out last month, officers and men were put aboard them—but they were not organized—to use a vulgar expression, they were “chucked” aboard. Now, what we want is that they should be organized in barracks, that the men may know their officers and the officers their men.

Let me now show the aggregate force of our navy, including all vessels afloat and building. I laid on the table of the House some few days ago a return showing all the ships now afloat and building. Hon. Members may have read that return; but it will be interesting to the public to know that on the 1st instant the number of screw ships of the line afloat was 57, and the number on the

stocks building—or rather not building—for the operations have been suspended—4, giving a total of 61. I will advert to the iron-cased ships presently. The number of frigates was—screw, 37 afloat, and 7 on the stocks; paddle, 9; making a total of 44 screw and 9 paddle frigates. I will not detain the Committee by enumerating all the smaller vessels; but the grand total of our steam fleet was 580; composed of 525 afloat, and 55 building or on the stocks. I think that my hon. Friend the Member for Lambeth (Mr. Williams) will admit that, however much he may deprecate our expenditure, we have something to show for our money. I will here advert to the question of the reduction of the armament of the ships, and I entreat the attention of hon. Gentlemen to this subject. The Admiralty receive reports from officers of various ships that they strain a great deal; and we know that these very long steamships, with engines in the centre, are liable to straining, and that in a great degree. Now, I know that some gentlemen, and among them naval officers, are of opinion that this straining is attributable to the ships being overmasted. I am not prepared to say that this is not the case in some instances; but what is manifest is this—that they are over weighted. Another thing which the Admiralty have to consider is that we have introduced Armstrong guns. Now, that means this—that our ships are now to mount a few guns carrying heavy shot instead of many carrying small shot. It is found that a 100-pounder striking a vessel does more damage than two 50-pounders. That is the principle. Our ships, to make any impression against iron-plated vessels, require very heavy guns—in fact, you might as well throw marbles against our iron-sides as shot of any smaller calibre. It was, therefore, necessary for the Admiralty to reconsider the armament of ships. Again, our present class of ships carry nominally a great number of guns, but many of these guns are utterly useless. You dare not fire them except right abeam, for fear of doing damage to the rigging. They cannot be trained to the right or left; and it is absolutely necessary on that account that we should get rid of some of these guns. Consider what an immense advantage it is to your ship if you can lighten your weight of guns and gun-carriages, and if you can keep up something like the weight of shot thrown from your broad-

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side. The result is—and it is a tentative measure—that the Admiralty have determined to try the experiment of reducing the armament of some ships of each class. My right hon. Friend the Member for Tyrone (Mr. Corry) has moved for a return which will show in detail the reduction of the armament and complement in every ship, but it may be interesting that I should inform the House of some of the changes made. The *Revenge* class of 91-gun ships is the last type of the line-of-battle ships of our navy. The original armament before the introduction of the Armstrong guns was 34 8-inch guns of 65 cwt., 36 32-pounders of 56 cwt., 20 32-pounders of 45 cwt., and one 68-pounder, making a total of 91 guns. The weight of these guns was 533 tons. [Mr. CORRY: Including the gunners' stores?] Yes. The weight of the guns of the *Revenge* class of ships—guns and gear—was 533 tons, carrying a broadside of shot 1,780lb. weight. The present scheme gives 30 8-inch guns of 65 cwt., 32 32-pounders of 56 cwt., 2 33-pounders of 45 cwt., 6 40-pounder Armstrong guns, and a 100-pounder pivot Armstrong gun. So that the weight, instead of being 533 tons, will be only 438 tons, being a saving of 100 tons in weight. Consider what a relief it is for a ship to have 100 tons taken off her decks. It is true we sacrifice the weight of the shot of the broadside. [Sir JOHN PAKINGTON: How many guns on the old and new principle?] 71 guns against 91, being a reduction of 20 in the complement of guns. We lose, I admit, the difference in the weight of the broadside between 1,780lb. as against 1,484lb.—that is to say, we lose 300lb. in the broadside. But that is made up by the advantage of having a few very heavy shot. I will not trouble the House any further on this head, as a full return on the subject has been moved for by my right hon. Friend. The Committee will observe that with this reduced weight of armament we are enabled to lessen the number of men to which I have already adverted, but my hon. Friend the Member for Portsmouth (Sir James Elphinstone) complained that unless you also reduce the masts and yards, you will prevent the efficient working of the ships. Here is a proof that there need be no alarm on this subject. The *Ariadne* has a larger area of sails, masts, and yards than the *Shannon*, which is about to be reduced, yet the *Ariadne* has 100 men



less. But there has been no complaint that I am aware of that the *Ariadne* cannot man her spars and sails. Every naval officer wishes to obtain as many men as possible for his ship. I always made a point of applying for more men; but it is for the Admiralty to judge in such cases.

I now turn to our iron-cased ships, and it will be interesting that I should give the House some information as to their progress. [Sir JOHN PAKINGTON: What was the cost of the *Warrior*?] The cost of the *Warrior*, including all except her armaments, was £354,885. Her armament besides is about £13,000. We have now 15 iron-cased ships built and building, of which there will be, we hope, 11 afloat in the course of the present year. In the course of 1863 there will be 12 afloat—that is, one more—and in 1864 there will be 15; and in addition there will be a new ship, provided the Committee agree to the construction of a novel ship, to which I will presently allude. If the Committee desire it, I can give the tonnage and horse-power of these vessels. The first class of ships, including the *Agincourt*, the *Minotaur*, and the *Northumberland*, were agreed to last summer; they are in process of building, and they will be ready in 1864. They are 400 feet long, and it is expected they will attain a speed of 14 knots an hour. They will be of 6,621 tons. These ships carry their plating right round. The *Warrior* and other iron ships are only partially plated up to a certain distance from the bow and stern, but these vessels of the largest class are to be plated right round. The next class comprises the *Warrior* (which has been at sea, and about which I shall have a few words to say presently), the *Black Prince*, and the *Achilles*. They are of 6,100 tons, and have a speed of 14 knots. The next class of ships comprises the *Hector* and the *Valiant*, each of 4,063 tons, with a speed of 12 knots. The next class includes the *Resistance* and the *Defence*, which are of 3,668 tons, and have a speed of 11·45 knots, all these are iron vessels and to be partially plated. The next class is that of the *Prince Consort*, the *Ocean*, the *Caledonia*, the *Royal Alfred*, and the *Royal Oak*, which were begun as line-of-battle ships, and are now being converted to iron-plated frigates, and which are to be plated right round. Their tonnage is 4,045. They are wooden ships, and they are lengthened. The *Prince Consort* and the *Caledonia* will have en-

gines of 1,000 horse-power, and an estimated speed of 12·41 knots. The *Royal Alfred* and the *Royal Oak* are of the same tonnage, with 800 horse-power and a speed of 11·52 knots. I am now obliged to ask the attention of the Committee to a totally novel class of vessel which we ask the Committee to consent to construct. Every one will remember the controversy with regard to the construction of Captain Coles's cupolas. Last year we carried on a series of extensive experiments with one of these cupolas. We put it on an old floating battery; we tried firing from it, and then we tried firing at it; and the result was that it stood the most complete hammering without showing any considerable signs of weakness. The Admiralty were so impressed with this that they have since gone carefully into the matter, and we are now preparing an improved cupola—a double cupola—to carry two guns. And we are now proposing to construct a ship which shall carry six of these cupolas. She is to be of 2,529 tons, of 500 horse-power, and will carry 12 breech-loading Armstrong 100-pounder guns in these six cupolas. Her length is to be 240 feet, and her draught of water 20 feet. It is very important to consider whether we cannot construct efficient armour-plated ships of considerably less draught, and we propose to try the experiment with Captain Coles' vessel. She will have rather a singular appearance, as she will have no masts whatever, and will trust entirely to steam. Rigging is out of the question, as it would prevent her training her guns. She is intended for coast defence; and if she proves serviceable, she will have this very great advantage over other vessels—that her cost will be much less. I hope, therefore, the Committee will consent to our carrying out the plan. [Sir JOHN PAKINGTON: What will she cost?] I should be glad to state the precise cost for the satisfaction of the curiosity of hon. Members, but it would be very disadvantageous to the public interests that contractors should discover the cost of each separate vessel. It is in order to prevent that, we put the various vessels in one vote. I wish to say a word as to the *Warrior*. It is quite natural that a vessel of novel construction which everybody is watching should be made the subject of evil report and exaggerated statements. I will therefore state what I know concerning her. We have

received a series of reports, from Captain Cochrane (who is one of the most skilful and valuable officers in the service). Everybody knows what weather the *Warrior* had to go through. Captain Cochrane describes it as terrific. It was so very bad that even that noble vessel had to lay-to. Such was the awful sea, that had she exceeded the rate of four knots an hour, her bowsprit would have gone under. In spite of the gale, however, she arrived at Lisbon without damage, except some trivial accidents, such as those to which every vessel is subject under the same circumstances. A vessel that could go through such a trial is fit to go round the world. It has been said, however, that she will not steer properly. It is quite true that such was the case. In her construction a detail of importance of the ship was neglected. The yoke was fitted in such a manner that she had not sufficient play for her helm. We usually give 36 degrees each way for the helm to move in; that is a quadrant of 72 altogether, but in this case only 26 degrees each way were allowed. It was only natural, therefore, that the *Warrior* could not answer to her helm; but that was the only serious defect in the vessel. I had the pleasure of being on board of her on her first cruise, and I must say she was the most wonderful vessel in which I ever put to sea. No doubt in the trough of the sea she has a tendency to roll; but she is fit to go anywhere in the world. I have made these remarks because there are several sinister reports abroad on the subject, which I believe are totally without foundation. A series of experiments is to take place next week, which will, in a great measure, determine the future of our iron fleet. Most of our present vessels, as you are aware, carry four-and-a-half inch armour plates, backed by 18 inches of teak. But we are going to make some experiments to test the value of some proposals which have been submitted to us: one plan is to have thicker plates and thinner wooden backing. Mr. Fairbairn declares that the wooden backing is disadvantageous, for it is liable to decay, and, owing to its thickness, interferes with the training of the guns. He proposes that we should have the armour bolted on to iron plates, instead of wood. Next comes Mr. Scott Russell, who says Mr. Fairbairn is right, as far as concerns the iron-backing instead of wood, but that bolt-holes weaken the plates, and who

accordingly suggests a system of clamping between the plates, by which it would be unnecessary to perforate the iron plates. Lastly, Mr. Samuda insists that there is no necessity for the backing at all, and that it would be better to have much thicker plates, and incorporate them with the frame of the ship. Which of these gentlemen is in the right will be shown by our experiments. I now quit these subjects and come to the specific Votes. Vote 1 includes £82,117 for seamen's clothing. I am bound to say that the state of the accounts is not altogether satisfactory, and the Admiralty is anxious to devise a better system. Hitherto, ships' accounts have been made up only once in three years, and in consequence the annual Votes for clothing (which are repaid by deductions from the pay of the men) have been very irregular in amount; sometimes we have to take a large grant, sometimes a very moderate one, or perhaps none at all. We are going, however, to introduce a system of annual accounts, by which we can keep this Vote more uniform. I have looked into the accounts for the last few years, and I find that the deductions from pay have replaced the outlay for the purchase of clothing. A novelty in this Vote is the appointment of an Inspector General for the Marines, which has been deemed necessary, in the same way as appointed for the Line and the Cavalry. As to Vote 2, while there is a reduction in the number of men, there is an increase in the estimate for victuals. That is caused partly by the curing at Deptford being more expensive than when performed by contract, and partly by the rise in the price of flour and beef. I now come to Vote 3, to which I must ask the attention of the Committee. You are aware that a Royal Commission which inquired into the affairs of the Admiralty reported to the effect that if the Naval Department was to work with due efficiency it must have all its Officers under one roof. That recommendation had been made over and over again during a course of many years. The late Sir James Graham, as far back as 1835, recommended to bring the several branches of the department together. Well, I believe measures are at last about to be taken to accomplish this desirable object, by the construction of a wing to the Admiralty, which will correspond with the rest of the building, and will face the Park, and then all the departments will be contained under one

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roof. The Vote for that purpose is not in the Estimates now before the Committee; but if it is possible to commence operations this year, they will be brought in by the First Commissioner of Works; and it is my business to inform the House that, after careful consideration, Her Majesty's Government have resolved to propose this matter to Parliament. There are two or three points connected with this Vote which I shall mention. There is one Office which we have found it necessary to create—namely, that of Acting Constructor. The work in the Controller's Office has been vastly increased, chiefly in consequence of the building of iron-cased ships, and the improvements that are constantly being adopted. The Admiralty, therefore, with the consent of the Treasury, have appointed an Acting Constructor. Two important appointments in connection with the shipbuilding department, and recommended by the Royal Commission, have also been made. I beg to call the attention of my hon. Friend the Member for Glasgow (Mr. Dalglisch) to this matter. There has been appointed, first of all, a Deputy Accountant General, who is to relieve the Accountant General of a portion of his vastly-increased work. There is likewise to be an auditor of yard accounts, who will be an independent officer, and is to serve as a check upon the expenditure in each dockyard. Now, I am informed by the Accountant General that the very best effects have already followed in the dockyards in consequence of the new system of accounts; but every effort should be made with a view to bringing the system to still greater perfection. Lastly, we have a proposal for a transport Department, as recommended by the Transport Committee of last year. As far as the Admiralty are concerned, they have thought it desirable that there should be a distinct transport office. The War Office, I believe I may say, thinks so too; but the heads of the Colonial Office are entirely averse to the scheme. They have given strong reasons against it, and have altogether declined to entertain it. The Indian Department also object to the change at present. They think that, upon the whole, the present system of transport of troops to India is at once most economical and satisfactory. The result, however, is that the War Office and the Admiralty have taken up the scheme, and it is intended that there shall be a transport officer to manage the transport busi-

ness. I have already gone into the question of the Naval Reserve and the additional cost in consequence of the increase of numbers, and therefore I will say no more upon Vote 4. With regard to Votes 5, 6, and 7, I do not know that there is any need I should trouble the House with any remarks. With regard to Vote 8, it is intended to reduce the establishments of the dockyards to the standard recommended by the Committee of 1850, and in the event of our requiring at any time an increase in the number of men, instead of adding to the permanent establishment—which would give a title to superannuation—we shall take on hired men. This year we take £30,000 for a certain number of hired men. The men we propose to take are for the repair of the ships which have come lately from China. They will be discharged in the summer, when they will have opportunities of obtaining work elsewhere. I pass over Vote 9, and I come to the great Vote of all, Vote 10. Hon. Gentlemen complain that we do not give information as to how the money is really spent, or how it is intended to be spent; which is voted for naval stores, for the building and repair of the fleet, for steam machinery, and ships built by contract. I must say that each year lets more daylight into this Vote, and it will be observed that it is this year divided into two sections. I wish to inform the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) that his good advice with regard to timber has been followed by the Admiralty. We have now 74,000 loads of timber. We expect to consume during the next year about 43,000 loads; last year we consumed nearly 80,000; but we are now returning to more quiet times, and the result is that our expenditure of this article is much reduced. If the Committee agree to the sum which we ask, we shall find ourselves at the end of this year with nearly 80,000 loads of timber, which I think a very good and satisfactory stock. The reduction in the Vote would have been considerably greater but that the St. Petersburg crop of hemp failed last year; the result was, that we got scarcely any, and we had to take a very large vote for hemp this year in consequence. One word with regard to the framing of this Vote. It has hitherto been one Vote, but the Admiralty, with the view of giving to the House of Commons greater facilities for checking the amount, have divided it into two wholly distinct Votes; thus taking

away from themselves the power of transferring the money that had been voted for one purpose to another. Now, let me state what we propose to do with the money which we ask for in this Vote. We propose to build 20 1-8 of wooden iron-plated frigates—which is equal to  $2\frac{1}{2}$  vessels. In line-of-battle ships we do not wish to make any progress at all; and to sloops and smaller vessels we intend to devote our best energies. Where the navy requires the greatest amount of energy at the present time is in sloops and a superior class of gunboats, of which we intend to build eighths—equal to about fourteen vessels. Some hon. Gentleman has said that we have vast numbers—more than all the world besides—of these smaller vessels. So far from that being the case, I could show that we have not in proportion a number sufficient to maintain that superiority at sea which we must ever maintain in all classes of vessels. Now we come to the next point—steam-engines. I ask the Committee to attend to this, because a question as to the liabilities of Government arose last year in dealing with this subject. The right hon. Gentleman the Member for Droitwich (Sir John Pakington), who generally speaks with great kindness, attacked me for stating that we were already pledged to certain sums. I think it right and fair, when you are asked to agree to a Vote, to tell you what is the ultimate cost of that Vote. The Admiralty, therefore, desires to show the expenditure which a vote entails not only in the present but during future years. If you turn to page 63 I will explain the new system. It will be seen that the Vote for engines already ordered is £415,880. That is what we propose to take in this year and next year. Deducting £108,900 to be voted in future years, we require for engines already sanctioned by the House £306,980. I am also going to ask the Committee to agree to order a certain number of new engines, the cost of which will be £276,000, of which we propose to take during the present year, £130,440. As to that branch of the Vote, it is entirely within the power of the Committee to give the whole or a part of it. None of those engines are ordered; but if you consent to it, you will of course be pledged to the remaining sum of £145,560 in future years. That is what we ask you to allow us with regard to steam-engines. With regard to ships building

by contract, some hon. Gentleman moved for a return of the cost of these ships. I stated why it was not advisable to give the cost of each ship. The ships building by contract are, besides the *Hector* and *Valiant*, two troop-ships, and four iron-cased ships, three already sanctioned, and one, Captain Coles' ship. Therefore the House has already agreed to three out of the four iron-cased ships, and it is for the Committee to decide whether we shall commence the fourth ship. The effect of all this is that the Vote is £966,141 for vessels building by contract, both the new and those sanctioned by Parliament. There is one item with which I must trouble the Committee. It is the last item which is altogether a novelty—"for experimental purposes, sundries, and possible contingencies, £40,000." This is a large sum, I admit. But let it be clearly understood that if we are going to build these novel vessels we must, if we are to have anything like a certainty of success, experimentalize on a large scale. It is the worst policy in the world to stint your experiments, and I must tell you that in the course of building these iron ships we continually see that some little change is necessary. I have a great dislike to alteration of ships, and I have often expressed it; but it is inseparable from the very novelty of these ships that we should have here and there to make alterations. I will state frankly that I am not prepared to say we shall spend it all; but you must remember that in contracts we are tied down to a certain sum, and there must be some margin in case any little alterations should be required.

I have only a word or two to say upon the next Vote, 11—the expenditure on docks. The great want of the day is large docks. We hear on all sides that we have not docks enough, and that we must have larger docks. It is true, that if we are to build these very large ships, we must enlarge our docks. The Committee last year agreed to the enlargement of Chat-ham Dockyard, and I have no doubt it will become a magnificent arsenal. In the present year we propose to lengthen one of the docks at Portsmouth within the basin, to enable such ships as the *Minotaur* and *Warrior* to enter. We likewise propose to lengthen a dock at Keyham for the same purpose. We ask for money to commence our naval barracks at Devonport. We likewise ask for a Vote to allow of building at each of our great yards ma-



chinery for bending iron plates. One of the most difficult processes is bending the plates. It is very easy to get plates either rolled or hammered. An hon. Gentleman asked whether we were going to use rolled plates. From experiments we have made we find there is very little difference between rolled plates and hammered plates, only the machinery must be very powerful to roll plates above five inches. At present nothing exists to roll plates above five inches in thickness. We propose to erect at each of the five building yards hydraulic machinery, by which the plates when supplied may be bent on the spot, and put on the ships there and then.

It is right I should allude to the Vote 16, for civil pensions. The increase caused by the Superannuation Act of 1859 is very considerable; in fact, my belief is, that if you take the average, you will find that the Superannuation Act very nearly doubles the pensions of artificers. It is a serious question, and I call the attention of the Committee to the probability that these civil pensions will increase year by year. Then we come to the last Vote—namely, the Vote for the transport department of the army; and here we have a considerable decrease. But I wish again to repeat that the £42,450 which stands at the head of the Vote is the last instalment for freight of ships on monthly pay, and that with that exception the Supplementary Vote included all the expenses for North America. I cannot leave this subject without one word in recalling to the Committee that which, no doubt, has struck many before—namely, the marvellous power of this country, which enabled us to send off this mass of transports at a short notice and at such a time of year without in the least degree disarranging the intercolonial and packet service. I merely mention it as interesting to every one.

I now thank the Committee for having listened to me so patiently. I can assure hon. Gentlemen that we are fully impressed with the magnitude of these Estimates. I am quite sure that there is no department which more earnestly desires reduction of expenditure than the Admiralty. But remember that we have been constructing a new navy; that we are constructing a new navy. Remember that we are organizing a vast corps of Reserves, upon whom in all future time the power of this country will greatly depend. It is the bounden duty of every department

of the Government to look first to the protection of our country. We have lived in troublous times. If we can live at peace with all the world the Government will be only too thankful to decrease the Estimates. At the same time, I will be no party to any great and sudden reduction which will cripple the navy and imperil the safety and honour of the country. The noble Lord concluded by moving the first Resolution—

“That 76,000 Men and Boys be employed for the Sea and Coast Guard Services, including 18,000 Royal Marines.”

SIR JOHN PAKINGTON: I think the noble Lord who has just sat down has shown himself fully entitled to the attention which he acknowledges to have received from the Committee. The noble Lord has made a statement—which, indeed, occupied a considerable time; but it is full of interest, and he has made it with that degree of clearness and frankness which has characterized his statements on previous similar occasions. I agree so very much in what has fallen from the noble Lord that I am happy to say it will not be necessary for me, in following him, to trouble the Committee at any very great length. There are, however, one or two points in the statement which, I confess, I am unable to regard with feelings of entire concurrence, and with regard to which I shall be glad to elicit some further information. The noble Lord explained what was the amount of force kept in commission; he also explained the manner of its intended distribution; but the noble Lord appeared to reduce the Channel Fleet within limits which are hardly consistent with what of late years has been acknowledged to be fairly required by the interests of the nation. I understood the noble Lord to say that the Channel Fleet was to be reduced to two line-of-battle ships—two of the iron-plated ships—I suppose the noble Lord means the *Warrior* and the *Black Prince*; and then he mentioned—

LORD CLARENCE PAGET: Two frigates and corvettes.

SIR JOHN PAKINGTON: That would amount to some six or seven sail.

LORD CLARENCE PAGET: Ten sail.

SIR JOHN PAKINGTON: I am glad to hear the correction, for I did not understand from the noble Lord that the Channel Fleet was to consist of so many as ten

sail. I even now feel afraid that that limit will be too narrow. I am sorry to learn that there are only to be two line-of-battle ships in the Channel Fleet; because I am of opinion that maintaining a strong Channel Fleet is not only connected with the question of national defence, but with a most important question, also, with regard to the existence of a first-class school for training and disciplining our men. In these days nothing is more desirable than that attention should be paid to steam tactics; but up to the present moment, notwithstanding the large steam fleet which has been spoken of, there is a great want of practice in steam tactics, and I could have wished that the Channel Fleet had been still larger than I now hear it is to be. To the next statement of the noble Lord I attach great importance. I allude to the amount of men not at present in barracks, but who may probably before long be provided with barrack accommodation; and who are at this moment at the disposal of the Admiralty over and above the crews of the ships in commission, and to afford relief as the existing crews are paid off. As I understand the noble Lord, there are at this moment sufficient men in hand to man four frigates. If that is so, I heartily congratulate my noble Friend on the fact that the Admiralty has approached nearer to that state of things which it has on all hands been confessed we ought to be in than was ever the case before. This is, I think, essential to the power and dignity of the Royal Navy; it is a power which, I think, we should never be without. As to the amount of our Reserves, what was stated by the noble Lord was also very satisfactory. I could not help remarking that the noble Lord seemed to draw in to his aid every possible element of which that relief could exist; and I am not quite sure that he did not attach more importance to the Coast Volunteer force than it deserves. But here, again, it is impossible to deny, with any candour or truth, that there is a material and gratifying advance, very much owing, no doubt, to the labours of that Commission of which my hon. Friend opposite was a distinguished member; and I am exceedingly glad to hear that the present Admiralty are carrying out the recommendations of that Commission. Already we have derived great advantage from carrying out their recommendations; and we

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shall derive still more and more benefit in proportion as we persevere in that course. I have always believed that one of the most important parts of the recommendations of that Commission was that relating to the school training ships. I am glad, therefore, to be able to infer from what fell from the noble Lord that the five training ships to which he referred are, in fact, a portion of that new system; and I attach importance to this part of the plan, because it will, more than any other portion, tend to connect the Royal navy and the merchant service; and I am glad to find that the noble Lord is thoroughly aware of the importance of establishing a good understanding between those two services. We must look to the Royal Navy not only to give us additional strength when the day arrives that we may require it, but I look to it as the source of the great improvement which, I think, will be derived from it by our mercantile marine. I have heard with sincere pleasure that so many men of the mercantile marine have enrolled themselves in the force. I am also exceedingly glad to hear of the success of that new plan, which was announced by the noble Lord during the last Session of Parliament, of deriving officers from the mercantile marine for the Royal Navy. It was a very bold experiment on the part of the Board of Admiralty; and I have heard with great pleasure this evening that so many officers of the mercantile marine have been willing to comply with the terms offered and to tender their services as part of the reserve on which we depend for officering the Royal Navy in times of emergency. The next point on which I wish to say a few words, and which I am afraid is one of the portions of the noble Lord's statement in which I am least able to agree with him, is the reduction of the complement of our ships. This subject was adverted to early in the evening. I am sorry to say that while willing to allow full weight to any explanation which the noble Lord may still afford us, I am at present obliged to say that I do not regard the explanation which the noble Lord has already given as quite satisfactory on this point. Much to my surprise, the noble Lord, when he spoke as Secretary of the Admiralty, attributed the diminished health of the men to the ships being overcrowded; but when, immediately afterwards, he spoke as a sailor he told us he had ever been



anxious to get as many men as he could. He did not seem to have any misgivings about the state of the lower deck; he was only anxious not to see the ships undermanned. So far as my noble Friend's speech went in dealing with the necessity of ventilation as a means of increasing the health of the British sailor, to that extent I go with him; but when he says we are to be so anxious for the health of our crews that we are going to reduce our complement of men, I fear the effect will be to weaken the efficiency of our men-of-war, and I do not at all go with him. This is not a new question. What was it that induced that very distinguished sailor, Admiral Berkeley, to resign his seat at the Admiralty a few years ago? Was it not this very question of reducing the number of our crews in time of peace? and that to such an extent that the ships could not be worked—that is to say, that they could not be worked without imposing undue labour on the men, and placing our officers in a humiliating position when they came to work their ships in the presence of men-of-war of other countries. I believe the question immediately involves the honour of the nation. There is another matter. You will not find our sailors satisfied and willing to embark in the service of the Royal Navy, if they are to be over-worked because the ships are undermanned. The matter is worthy of attention, in reference to the complement of men to be awarded to the new class of ships coming into existence. Our former principle of manning ships-of-war turned on the number of guns. That, of necessity, is at an end. You can no longer judge by the number of guns the size of the ship. The largest ship in the navy is the *Warrior*, but she has only forty guns. So that the system of regulating the crew of a ship by the guns must be abandoned. Hereafter you must regulate the crews of ships by the size of the ships and the work to be performed, and I am afraid that the Admiralty have fallen into a mistake when they propose to reduce the crews in the large ships from 880 to 800, and in first-class frigates from 570 to 510. I am afraid the result will be dissatisfaction to the crews; and that they will be found insufficient in numbers to work the ship. The next point related to the savings of the crews. I am very happy to say that, so far as I can form an opinion on the subject, I believe the decision of the Admiralty to be

perfectly right. The practice of allowing men to make savings is false in principle, and the change which they propose is most judicious. I was also very glad to hear of the intention of the Admiralty to establish prisons especially for the navy. I doubt how far it is wise to adopt the general principle of shutting up sailors in gaols instead of giving them a flogging and sending them again to work. I am somewhat afraid that there has been a tendency in successive courts of Admiralty to interfere too much with the discretion of the captain in the command of his ship, and to deter him from carrying out that discipline which is so essential to the welfare of the navy. Of this, I have no doubt, however, that the Admiralty are perfectly right in avoiding the practice of sending our sailors to the common county gaols. That, I think, has been attended with the worst results; and if seamen are to be shut up in gaols, I think they should be confined in prison under the authority and regulation of the Admiralty. My noble Friend has spoken in a tone of pride of the manner in which ships have been fitted out in a week. Well, I was one of the first to draw the attention of the House to the state of things which formerly existed, when three, four, or five months were consumed in obtaining a crew. I hope that is for ever at an end. At the same time, without a pressing emergency, I doubt the wisdom of fitting out our ships in a week; and I am satisfied that the Board of Admiralty are going much too fast when they fit out a ship in a week. I doubt much whether, with so small a preparation, a ship can be sent out in a condition to do us credit as a part of the British navy. The next point is the reduction of armaments. On this point I speak with diffidence. It is one of very great importance, and I have heard the statement of my noble Friend with very great doubt. I believe he rested the necessity of the change on the straining of our ships. But is the weight of the guns the cause of the straining of our ships? Is that the real cause? I believe the fact to be, without question, that many of the men-of-war have strained. But why? I believe, not on account of the weight of their guns, but on account of the weight of their engines. I am afraid that the tendency to strain lately found in our largest ships is the unavoidable result of the adoption of steam, and of the use of those heavy engines down below which are now held to be necessary.

I doubt the policy of reducing the armament, and thus impairing the efficiency of our ships. I should be glad to hear what is said on this point by experienced judges; but I hope that this point, as well as the reduction of the crews, will be further considered before the Admiralty determines finally on its adoption. It was with great satisfaction that I heard of the determination to try an experiment with Captain Coles's invention. Having had the plan explained to me, my strong desire was that the Admiralty should determine on a fair trial of the experiment; and I hope the feeling of the House of Commons will be, that, whatever the cost, the Admiralty are only taking a prudent course in fairly trying, in these days of science, any new invention which holds out a fair prospect of success; and I do think it only fair to say that Captain Coles's invention does seem to hold out a fair anticipation of the result. With regard to the *Warrior*, I was glad to hear the statement of my noble Friend; but I wish the noble Lord had gone on to state whether or not the deficiency or defect in the construction of her helm could be remedied. [LORD CLARENCE PAGET: It has been remedied.] But my noble Friend did not tell us that it was altered, or even that it was considered capable of alteration. Well, then, it appears to be a defect in the *Warrior* no longer. I have also heard with great satisfaction, that the Admiralty is about to leave Somerset House. I hope that is finally determined upon, so that the whole of the Admiralty business may be brought together at Whitehall. I understand the noble Lord to say that this will be effected by the building of a new wing. I did not, however, understand where that was to be. [LORD CLARENCE PAGET: Spring Gardens Terrace.] No one who has had any experience of the Admiralty can doubt the very great inconvenience that has arisen from the division of the business between Somerset House and Whitehall, and I am glad to hear of the removal, which I am sure will effect a great improvement. There is only one other point on which I would still detain the Committee, and that is with regard to the extension of our docks and dockyards. The Committee must be of opinion that the extension of our navy and the great change which has taken place of late in the class of our ships, lead indisputably to the necessity of an extension of our dockyards; and I heard last year with great

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satisfaction of the determination of the Admiralty to make a further extension in the dockyard at Chatham. I am sorry, therefore, to perceive that comparatively a very small sum is taken in the Estimates of the year for that purpose. The sum is so small as even to raise doubt in one's mind whether the Admiralty are proceeding with the extension at Chatham at all. I hope there is no vacillation on that subject; but that we are going on with the extension of the dockyard at Chatham. I need not detain the Committee with any further observations. I hope that my noble Friend will be of opinion that I have met his statement in a fair spirit. I have taken that course with great pleasure, because, I trust, that in these Estimates I see that determination on the part of the present Board of Admiralty to take the course which I believe to be the imperative duty of whatever Government may be in power—namely, not to allow themselves to be diverted from any steps that may be necessary to maintain the strength, the efficiency, and the glory of the British navy.

MR. W. WILLIAMS said, he would admit that nothing could be more clear and able than the statement of the noble Lord; but he was astounded at the vast increase of the expenditure of the naval department within the last few years. He should like to know the ultimate object of these vast increases in our naval armament. Our navy was already double that of France, and exceeded that of all the rest of the world put together. In 1852, the number of men voted for the navy was 39,000, and in the hottest year of the Russian war, the number was 76,000, including 10,000 boys. The Government wanted 74,850 for the present year, and that number was exclusive of 10,000 for the Reserve. He was anxious to maintain the efficiency of the navy, but he objected to uncalled-for extravagance, and thought the time had arrived when Parliament ought to interfere. The saving of £481,000 on the expenditure of last year was wholly accounted for by the smaller quantity of timber and machinery required for the present year, and in the majority of Votes there was a decided increase of expenditure. He asked the Secretary to the Admiralty to explain under what authority the Government employed about 1,880 men more than were voted last Session?

MR. BENTINCK said, he had heard



the very able statement of the noble Lord the Secretary to the Admiralty with the greatest pleasure, and he was not about to say anything that would impugn it. At the same time, he had been much struck at the observations of the hon. Member for Sunderland (Mr. Lindsay), to whose speech he had listened with the greatest attention. That hon. Gentleman had said that he would support any measure which would render the navy of the British nation superior to that of any other Power in the world; but there was not much use in announcing such a determination if, at the same time, he roundly asserted that there was no necessity for the existence of that navy—for that was what his hon. Friend had in effect said. The hon. Gentleman had told them that notwithstanding all the reports made to the House, and the statements which had been from time to time made; it was quite a delusion to imagine that the French had been making great exertions to construct an iron-plated navy, and that there was no real cause for apprehension on that account. That was a matter which he (Mr. Bentinck) thought might be easily disposed of by referring to proper authorities. His hon. Friend went on to argue that no preparations on our part were called for, because he had a strong conviction in his own mind that the Emperor of France had no intention to go to war with this country. Assuming, for the sake of argument, that that was correct, and that the Emperor, from policy or other motives, was not disposed for a rupture with England, he (Mr. Bentinck) asked if the disposition of one man—whether he were an autocrat or an Emperor—was to be a guide to us as to the naval establishment of this country; because his hon. Friend wanted to persuade us to place our naval armaments on such a footing as would accord with the sentiments and opinions of one individual. We ought not, in common prudence, to consider in the slightest degree what might be the determination and temper of any one man, or even any one country in the world. It was admitted by his hon. Friend that our navy ought to be superior to that of any other country in the world, and in that opinion he (Mr. Bentinck) quite concurred. Let them base their proceedings on that axiom, and they would pursue a much safer and more economical course than by attempting every year to cut

down their Estimates according to what might be the state of feeling existing at the time in any other country. In the statement of the noble Lord there was one thing which was not easily understood, and that was with respect to ventilation. The noble Lord spoke of the ventilation being bad; but he (Mr. Bentinck) did not see that that was a sufficient cause for reducing the number of men.

LORD CLARENCE PAGET had only said that that was one reason; but he by no means meant to convey to the House that it was the principal—which was because the ship strained very much, and they were obliged to lessen the weight.

MR. BENTINCK: My noble Friend also stated that he believed the ships were overmasted.

LORD CLARENCE PAGET: In some cases.

MR. BENTINCK was inclined to believe, that the true reason for the straining was to be found in the disproportionate length of the vessels to their breadth of beam, and the fact of their being overweighted by the guns placed in the bow and the stern. We had long departed from what was formerly considered the proportionate length for a good sea-going ship of war, and if we built long vessels with fine ends, we must sacrifice something to speed, and relieve them of the weights which they now carried. The noble Lord said that it was the Admiralty who had to determine the question of manning the navy; but he wished to know whether it was the First Lord or the Naval Lords who were the paramount authorities on that point? There was one item referred to by his noble Friend which he had heard with very great pleasure; that was with regard to experiments. He thought it important that there should be placed at the disposal of the Admiralty a sum of money annually to enable them to make experiments which they might think it desirable to make. Many valuable improvements were lost, owing to the Admiralty not having the means of testing them. He was very glad, therefore, that his noble Friend contemplated the introduction of this Vote. His noble Friend said he was making his proposals in what he called a quiet time. He (Mr. Bentinck) was not prepared to say that they were not quiet; but how long would they continue so? He was glad, therefore, that there was no material reduction in the efficiency of the navy, as he believed that nothing would be

more injurious either to the interest of the country or the credit of the Government than to deal with our naval system as though we were always to remain at peace.

MR. LINDSAY said, he had always advocated the efficient maintenance of the navy as our right arm, and that it ought to be so maintained at all hazards. He had always said that our ships ought not only to be equal to those of France, but equal to France and any other nation. But we had now ships more than equal to all the navies of Europe. What more was required? There were ships enough to meet the world in arms. He could understand our being at war with two or even three European powers at the same time; but he could not conceive England being at war with all the world. No doubt the first duty of that House was to look to the safety of the people, but the second duty was to see that the public money was not unnecessarily spent; and he was sorry to see that those who spoke so much out of doors on the subject of economy were not in their places when the money was actually voted. There were a great many points in which he agreed with the noble Lord. On these he would not touch; he would restrict himself to those on which he differed from his noble Friend. The right hon. Baronet the Member for Droitwich (Sir John Pakington) agreed with his noble Friend in almost all he said; especially he agreed with him in spending a great amount of money. He even went further, for the right hon. Gentleman appeared to think that the Channel Fleet was not large enough. It had been the policy in that House to measure our armaments by what was supposed to be possessed by other countries. But these comparisons had often been fallacious. Last year the noble Lord had spoken of six iron-cased ships which the French had launched, and had obtained a large Vote in consequence. Why two of those ships—the *Magenta* and the *Solferino*—would not be ready for sea even now for three or four months. This year his noble Friend proposed to take votes for fifteen ships, eleven of which were to be completed this year. In all, there would be close upon 70,000 tons of iron shipping built. Even if that was necessary, surely they had a right to ask the noble Lord at the head of the Government what was the state of our foreign relations? Against danger from what fo-

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reign Power was it that these increased armaments were being prepared? It was said that there was to be a reduction of 2,200 in the number of men, and some hon. Members had objected to it; yet, in fact, there would be no such reduction, but rather an actual increase. Last year the strength of the Naval Reserve was 25,000; now it was 40,000. Allowing that one-fourth of the entire number would not be ready for service when called upon, there would still remain at the lowest computation 5,000 more men of the Reserve available for any emergency this year than last year. Instead, therefore, of a decrease of 2,200 seamen, there was an increase of nearly 3,000; for it must be remembered that the Reserve cost a considerable sum to the country. He would divide the Committee on this Vote if he saw any chance of doing so with effect; but, perhaps, the feeble words that fell from him might yield some fruit in another year. Although we were at peace with all the world, it was a curious fact that the occupants of the Treasury and the Opposition benches always combine to chant the old strain of "Rule Britannia"—a song which, whenever sung by any Ministry, was sure to obtain for them any amount of money from the country. He was glad that such harmony prevailed between the Royal Navy and the merchant service, since the officers of the latter had been introduced into the reserve. He had striven earnestly, in the Commission of which he was a member, in favour of the admission of those officers; but the measure had been strenuously resisted by naval men, who had a prejudice against the officers of the merchant service, on the ground, as one witness alleged, that "they were not gentlemen." The noble Lord said that the boys now undergoing training made the best class of seamen; but there was a limit to that argument. If lads who had been first employed in colliers upon our iron-bound coast afterwards received a short training for the navy, they would make seamen whom he would fearlessly back against the whole world. It appeared that a ship of an entirely novel construction was to be built; but before she was laid down, the opinion of the most eminent practical shipbuilders should be taken as to her probable sea-going qualities. He was himself, on his return from Lisbon, crossing the Bay of Biscay, when the *War-*



rior was going out; and although he had been in many heavy gales of wind, yet he had never witnessed such a tremendous sea as was running when he passed the *Warrior*. He would just say that a ship of her weight that could live in such a sea and get to Lisbon without any damage, was fit to go to any part of the world. The result obtained in her case was therefore very satisfactory. Reference had been made to the transport service. The Committee which sat upon the transport service had recommended some important improvements. While that report had been adopted by the Admiralty and the War Departments, it had been ignored by the Colonial and the India Departments. He intended to call the attention of the House to the subject to-morrow evening, when he hoped to be able to induce them to support the recommendation of their own Committee.

MR. CORRY said, the able statement which his noble Friend (Lord Clarence Paget) had made was most satisfactory. There was one point to which he wished to direct the especial attention of the Committee, and that was the question of reducing the armaments of the ships. If that question had been referred to a Committee of gunnery officers, and they had come to the conclusion that such a reduction would be judicious, he (Mr. Corry) would not have said a single word against such a decision. No such inquiry had been entered into, and the sole reason alleged for the reduction in the existing armaments was that the ships strained very much in bad weather. He must say that during the whole time he (Mr. Corry) was at the Admiralty there was no general complaint that our ships were overweighted, although there had been a report that particular vessels laboured in very bad weather. Moreover, the introduction of the Armstrong gun had tended to reduce the weight of the armament. Under the old system of armament the 68-pounder weighed 95 cwt., the 8-inch gun 65 cwt., and the 32-pounder 58 cwt. The corresponding Armstrong guns were the 100-pounder, which weighed 81 cwt., the 70-pounder of 60 cwt., and the 40-pounder of 31 cwt., so that a reduction in the weight of the armaments might have been effected without the removal of a single gun. He admitted, however, that it would be inexpedient to substitute to too great an extent rifled guns for the old smooth bore guns, as while the former were more

effective and certain at long distances, yet the latter were more decisive at close quarters. If his noble Friend had taken out a few guns, he (Mr. Corry) would not have objected; but he could not approve of the wholesale reduction of 16 guns in a ship. Why, the *Shannon* was to be reduced from 51 to 35 guns—a reduction of one-third of the whole number. It might be true that the reduction in her armament might make her a better sea-boat, but it would not improve her as a vessel for war, and that he took to be the first consideration. Suppose we had the misfortune to be at war with France, and the *Shannon* had to engage a French frigate of 50 or 60 guns, would she, he would ask, be most effective with the old armament of 51 guns or with the new armament of 35? He thought the former; and in that opinion he was confirmed by that of one of the first gunnery officers of the navy. He had been told that, in the event of war, the old armament would be restored, and that wear and tear would be saved in the mean time; but there was one thing he could not understand, and that was a man-of-war on a peace footing. A man-of-war should always be a man-of-war—always on the war establishment—always ready for any emergency that might arise. This question gave rise to another collateral question of great importance. The Admiralty were converting five 91-gun ships into iron-clad frigates. This, he thought, a very questionable course. He thought iron and wood did not combine well. The Committee had been told that the *Royal Oak* had been so converted at Chatham; and the weight of her armament as a 91-gun ship was 260 tons, which his noble Friend said was more than she could carry.

LORD CLARENCE PAGET: It was 540 tons.

MR. CORRY: That included the weight of shot and shell, and other gunnery stores, but the weight of the guns was 230 tons. He was aware that the *Royal Oak* had been lengthened 20 feet and lightened 280 tons by the non-building of the upper deck. But the weight of the armour plate was 930 tons; and if armed as a 50-gun frigate, the weight would be 1090 tons, guns and armour plate included. In other words, after abating the weight of topsides and upper deck, she would have to carry 810 tons, as compared with the 260 tons which was stated to be more than a ship of her class ought to bear.

LORD CLARENCE PAGET wished to correct an impression which he thought he had conveyed to the right hon. Gentleman (Sir John Pakington), that during the coming year there would be in the Channel only two line-of-battle ships and two iron-cased frigates. What he had stated was the force they now had; but he gave the force of men they proposed for next year, and this would suffice to maintain three line-of-battle ships, three iron-cased frigates, two wooden frigates, and four corvettes, making a total of twelve instead of ten. The hon. Member for Norfolk (Mr. Bentinck) had stated correctly that our ships had very fine ends, and the guns could not well be put there. It was certain that these ships would not bear any great weight of guns in their extremities. The new plan was of a tentative nature only. He had attempted to show that the introduction of a certain number of Armstrong guns would make up the weight of broadsides caused by the reduction of guns. Thus the loss of weight upon the broadside of the *Shannon* in consequence of the new arrangement was no more than 100lb. or three 32lb. shot. Captain Dickson of the *Trafalgar* had reported that he had no difficulty in manning his guns and in working his yards, and he believed that the objections to the plan would soon vanish.

MR. CARDWELL on behalf of his colleagues in the Navy Manning Commission, wished to correct a mistake made by the hon. Member for Sunderland (Mr. Lindsay), who seemed to suppose that there existed an objection to the plan of the Secretary to the Admiralty for enabling the Officers of the merchant navy as well as the men to join the Reserve. The hon. Member had stated that he was alone in advocating this proposal; but, on his own part, as well as on the part of his hon. Friend the Member for Portsmouth, he (Mr. Cardwell) could say that they were ardent supporters of it, and were most anxious to carry it into effect, though it was omitted from the Report because the subject was not within the order of reference. At that time there seemed to be an alienation between the Queen's and the merchant services, and it was thought hopeless to expect a Reserve furnished by volunteers. It was gratifying, therefore, last autumn, when an emergency did arise, to see that so noble a spirit was manifested in the merchant service. This association of the

two navies would be beneficial in every way. We had now 10,000 men, forming the cream of the merchant service, and he was informed that the members of this Reserve force even obtained higher wages on this account in their ordinary employment, since an engagement in the Reserve acted as a premium against desertion and gave a higher tone to the morals of the men. The country were under a deep obligation to the officers of the Board of Trade, and especially to Captain Brown, the Registrar of Seamen, for their aid in breaking down the barrier which existed heretofore between the two services.

ADMIRAL WALCOTT: I must reiterate my objection to the proposed reduction of men in the several ships, but I am sensible it will be useless to press it further. Now, the hon. Member for Sunderland has asked why we should have a navy beyond the navies of all other nations. I make this brief reply—because we have a more extensive commerce than all other nations combined, and because England, the first maritime nation in the world, should maintain a navy proportionate to her extensive commerce and her wide-spread Colonies and Dependencies. I give my unqualified support to the training ships for boys, and the introduction of the greater number proposed, a measure I have not ceased to advocate for many years past. I concur with the hon. Member for Sunderland in all he has said as to the value formerly acquired from our collier crews as seamen into the royal service. They were acquainted with the coasts of Ireland, and were formerly invaluable as pilots, and many of a superior class had been brought into the navy as masters. I am glad to hear a Committee is at this time sitting to inquire into the position of masters, for they are a most valuable class of officers hitherto sadly overlooked. I gave my voice in favour of building two additional troopships in the last Session of Parliament—valuable as I consider these ships are in instruction afforded to our officers and men in embarking and disembarking troops under all circumstances of weather and danger, berthing them when on board, and in many other particulars of no small importance looking to their comfort and health. Above all, paramount in importance to the material efficiency of our navy, it is an indispensable necessity to have practical officers and practised crews. To secure this end we must assure the officers be-



yond a suspicion that reward will follow merit, that equal opportunities in so far as possible will be afforded to every one alike, and equal favour shown to all who display zeal and honourable ambition and deserve well of their country. Let every officer see his way clear to the Admiral's cabin and the highest rewards, although he has no other recommendation but his own exertions.

MR. LINDSAY said, in explanation, that the main reason of his dissent from the Report of the Commission on the manning of the navy was, that he wished to see better measures provided for inducing the men in the merchant service to join the Naval Reserve; and he thought that as such measures had now been adopted he was entitled to some little portion of the credit due to the improvement.

MR. CARDWELL said, he had no wish to deprive the hon. Gentleman of any credit to which he was entitled. Neither himself nor his colleagues were ever indifferent as to the subject; but, as it was not in the order of reference, it could not be mentioned in the Report.

ADMIRAL DUNCOMBE thought some reduction in the weight carried by some of the iron ships would be very advantageous. They would be less affected by the strain when being forced through the water at high rates of speed. The experiment might, perhaps, be carried further, by the reduction of some of the weight in the masts and rigging.

SIR MORTON PETO said, he believed that the combination of wood and iron in the construction of ships of war was injudicious. Ships should be constructed either of wood or iron. To combine both would only result in having a weak vessel. The shaking of the screw would in two or three months make a ship so leaky as to be unsafe. This arose simply from the fact that wood could not be so strongly bound together as iron could be by riveting. The Government was entitled to the greatest possible indulgence. In the last fourteen years the changes in scientific knowledge of the construction of ships had been great and rapid. He hoped that the Government would not be in too great haste to build more iron ships than those already ordered, but would first thoroughly try those they had already got. The whole matter was completely experimental. The *Warrior*, all perfect as she was represented to be, was but an experiment, and in building her the

Government must have discovered many defects which it would be desirable to avoid in other ships. He believed that the time would come when, owing to the improvements in naval ordnance and the facilities thus given for attacking large ships by swarms of gunboats, the ships in our Channel fleet would carry neither sails nor masts. An iron-cased vessel, with its present-sized furniture, if in action, surrounded with gunboats armed with guns, as was now the case, so improved in construction that great precision was attained at a distance of five miles, would be like a large horse stung with hornets. It would be unable to protect itself against its numerous powerful assailants, and it would be completely disabled by the fall of its own masts if that event occurred. The less the encumbrance about it the more effective the ship would prove. He hoped the Government would examine narrowly into the state of the establishments, to see that none were maintained which modern improvements had rendered unnecessary. It would be far better to come down to the House and ask for a good round sum for retiring allowances for old public servants than to keep up enormous establishments which were no longer of use. As to our future requirements for docks and dockyards, they had now in the House a gentleman who could give them more information on the subject than any other person—the hon. Member for Birkenhead (Mr. Laird); and he was sure that hon. Gentleman would tell them that the course of repairs for the future would be a very different thing from that which was needed when our navy was of wood. Although we might be spending large sums of money now in building an iron fleet, we should not have occasion to spend those enormous sums which annually appeared in the Estimates for the repair of our wooden ships. He doubted if it was a wise expenditure to attempt to make Portsmouth harbour fit for the large and heavy vessels which would henceforward resort to it for shelter; and it was useless to spend large sums in fortifying Portsmouth if it could not be rendered efficient for the purposes for which it was required. He had always maintained that Portsmouth Dockyard was utterly unfit for the repair of our iron ships, and it would be much wiser for Parliament to vote a sum of money which would put the country in possession of a dockyard thoroughly efficient for this purpose. It ought to be

some little distance inland, so as to be out of range of attacks from the sea, and Southampton Water would be a much fitter place than Portsmouth. With regard to the transport service, he believed it was far better to trust to the great steam companies and the mercantile marine than to build a fleet of Government transports which in time of peace would be of no use.

VISCOUNT PALMERSTON said, that his hon. Friends the Members for Sunderland and Montrose seemed to imagine that he had been very much deceived when he made his statement last year as to the strength of the iron fleet which the French Government was building. He could assure them, that if there was any delusion upon the subject, it was on their part, and not on his. He did not want to repeat every year the names of the ships which the French were building and the places at which they were being built, but he might assure the Committee that the statement which he made last year was perfectly accurate. The twenty-six iron ships which he then said were some of them completed and others in progress, were now either completed or in progress; and so far was their number from being diminished that, unless he was greatly misinformed, the French Government not a long time ago ordered the construction of ten more of what they called floating batteries, which were iron ships of a smaller description.

MR. BENTINCK explained, that he had not attributed the straining of vessels solely to their great length, but in part to the misplacement of weight; nor had he, in referring to the subject of troop-ships, intended to imply that the mercantile marine was not equal to the performance of any service which might be required of it.

SIR JAMES ELPHINSTONE said, that by the application of steam power you might dredge any quantity of soil you pleased from the bottom of Portsmouth Harbour, and it would not silt up again. The labouring of ships of war might be diminished by a better arrangement of the weight of machinery and coals which they carried, by diminishing the height of their masts, and by sailing ships of equal capacity together, so as to avoid the necessity for one vessel shortening sail in order that others might overtake it. He fully agreed with what his right hon. Friend had said as to the Manning Commission. The Members of that Commis-

sion thought that the great task which they had to perform was to get the House of Commons to adopt some scheme for a Naval Reserve, and they were convinced that if such a scheme were adopted and succeeded, the matter of the officers must follow. They were bound by the order of reference, but they had not the slightest idea that a reserve force could be brought to such a point as that which it had now reached, without to a large extent calling in the assistance of the officers of the mercantile marine.

Resolution agreed to.

(1.) £76,000 Men and Boys, including 18,000 Royal Marines.

(2.) £3,078,121 Wages.

(3.) £1,362,093 Victuals.

Resolutions to be reported *To-morrow*.  
Committee to sit again on *Wednesday*.

House adjourned at a quarter after  
Twelve o'clock.

## HOUSE OF LORDS,

*Tuesday, February 25, 1862.*

### ITALY—PROCLAMATION OF COLONEL FANTONI.—NOTICE OF QUESTION.

THE EARL OF DERBY gave notice that on Thursday next he would ask the noble Earl the Foreign Secretary the question of which his noble Friend the Marquess of Normanby had given notice, Whether the Government had received any information as to the most extraordinary proclamation which had recently been published in the Neapolitan newspapers?

EARL RUSSELL: Perhaps the noble Earl will inform me where the proclamation is to be found.

THE EARL OF DERBY said, he was just about to ask whether the Foreign Department had not received notice of it. He had seen it both in an Italian and in a French paper, and believed there was no doubt whatever that it existed. If the noble Earl had not seen it, he would have great pleasure in sending him a copy of it. It was a proclamation which interdicted any one from setting foot within a large district of country, ordered that all houses, cabins, or hovels within the district should be levelled to the ground, and declared that if any farmhouse there were



found provisions more than sufficient to maintain the family for one day, the inhabitants should be treated as brigands and immediately shot.

EARL RUSSELL said, that neither Her Majesty's Minister at Turin nor Her Majesty's Consul at Naples had forwarded any information on the subject to the Government. He would therefore be obliged to the noble Earl if he would send him a copy of the proclamation.

House adjourned at a quarter past Five o'clock, to Thursday next, half-past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, February 25, 1862.*

MINUTES.] — PUBLIC BILLS.—2<sup>o</sup> Consolidated Fund (£973,747); Register of Voters; Prosecutions Expenses.

### CHARITABLE BEQUESTS (IRELAND). QUESTION.

MR. BEAMISH said, he wished to ask the Chief Secretary for Ireland, Whether his attention has been called to the state of the law relating to Charitable Bequests in Ireland; and whether it is his intention to introduce a Bill during the present Session for the purpose of altering the present constitution of the Board of Charitable Bequests?

SIR ROBERT PEEL: The subject has been under the notice of the Government, and communications with the Board have passed; but, at present, I am not aware that the Government have any intention of introducing a Bill.

### QUEEN'S UNIVERSITY (IRELAND). QUESTION.

MR. MACEVOY said, he rose to ask the noble Lord at the head of the Government, Whether it was the intention of the Government to make any proposal to Parliament, in accordance with the suggestion of the Secretary for Ireland, respecting the erection of a College in Dublin in connection with the Queen's University?

VISCOUNT PALMERSTON: No question of the sort has yet been brought under the consideration of the Government.

## PUBLIC BUSINESS.

MR. BENTINCK said, he rose to bring forward the Motion of which he had given notice, to make an alteration in the 57th paragraph of the Rules, Orders, and Forms of Proceeding of the House. He would ask the attention of the House for a short time while he endeavoured to explain the object which he had in view. If hon. Gentlemen would do him the favour of reading the motion as it stood, and of comparing it with the rule of the House to which he referred, they would at once see the modification which he wished to effect. He had put his Motion in the shape which he thought would render it most intelligible to the House. By the insertion of a few words at the commencement of the rule of the House he wished to prevent any hon. Member being interrupted in the course of his speech in order that the House might be counted. By the introduction of a few words at the end of the paragraph he proposed to fix upon the hon. Member who called attention to the fact that forty Members were not present, and thereby interrupted the progress of public business, the responsibility of that act, by the insertion of his name in the votes and proceedings of the House published the following morning. All those Members who were present on the occasion, and who might fairly be considered as dissentients from the Motion, would also obtain the advantage of having their names recorded in the votes and proceedings of that House. He begged the House to understand that there was nothing in his Motion, nor had he the slightest desire, to interfere in any way with the existing right of any hon. Member to call upon the Speaker to count the House. On the contrary, he believed nothing was more essential to the proper conduct of the business of the House, or a better safeguard of their rights and privileges, than the retention of this power to count the House when circumstances occurred to justify such a proceeding. The alteration only affected the manner of exercising that right. It might be contended that for a debate to continue when forty Members were not present was an infringement of the rule of the House; but what happened practically was this:—A number of Members flocked in as soon as the Motion was made, and the Speaker having counted and declared that more than forty were present, those Members who had come in

for the purpose of being counted left the House again, and the hon. Gentleman who had been interrupted continued his address to an assembly not larger than that in which the original attempt to count out was made. To prevent a Member finishing what he had to say was a practical denial of the privilege of free speech; and it was unfair as well as discourteous, because, no matter how dreary the opening of a speech might be, no one had a right to say that the conclusion might not be full of interest and argument. He could not see how any of their rules could be affected by the adoption of his proposition, nor how any person could be inconvenienced by it except the Speaker himself. Although he was sure that every hon. Gentleman would be desirous of promoting the convenience of the right hon. Gentleman, he was equally certain that the Speaker himself would not allow any feeling of his own to stand in the way of the convenience of the House generally. He was prepared to show that the rights of independent Members were most deeply involved; for, generally speaking, the House was counted out with one of two objects—either to get rid of some very dull subject, or to avoid the discussion of some very inconvenient one. The first of these objects was perfectly natural, and he had not a word to say against it; but the attempt to get rid of an inconvenient discussion by resorting to a count-out was not only unconstitutional, but directly opposed to the whole spirit of their proceedings. It was within the knowledge of the House, that when there was a desire to get rid of an inconvenient subject, a “count-out” was understood to be effected by an arrangement between the distinguished occupants of the two front benches, and to be managed by those hon. Gentlemen who were known by the familiar name of “whips.” When he said that, he meant no discourtesy to either the distinguished occupants of the two front benches or to the Gentlemen who carried out the arrangement of their chiefs. The House was to blame, and not those who only availed themselves of one of the rules which governed the proceedings of the assembly. Would independent Members of the House allow him to ask them whether they had considered what the effect of “counts-out” was? He found that the House was counted out twelve times during last Session and thirteen times during the Session of 1860.

*Mr. Bentinck*

The recent change in the mode of conducting the business of the House had resulted in leaving to independent Members only one night in each week. Now, thirteen “counts-out” deprived them of thirteen nights, or one-half of that portion of the Session which the rules of the House left at their disposal. It was manifest, therefore, that independent Members lost one-half the Session by the practice of counting out the House. He therefore asked them whether their interests were not seriously affected by the existing system, and whether it did not create a very irregular and improper state of things? Was it fair that their privileges should be thus frittered away by this surreptitious arrangement? His right hon. Friend the Member for the University of Cambridge, a great authority, had warned the House to be on their guard against any rule which might have the effect of diminishing the control over the proceedings of the Executive which independent Members exercised. He thought he had shown them that the present mode of counting-out had that effect; and he asked them, therefore, to bear in mind the sound advice of his right hon. Friend. There was another objection to the present system. A great deal of time was lost by it in another way. They did not get rid of a dull speech or of a dull subject by counting out the House, for the speech was sure to be spoken over again, and the subject to be again introduced, when there was no escape from either. The hon. Member who was counted out availed himself of his right to move an Amendment or to call attention on going into Supply; so that the “count-out” had not even the merit of accomplishing its object. But that was not the only loss of time suffered; all the other Motions that stood on the paper after that which was interrupted by the count-out were also to be disposed of on a future night. The result was to cause a great accumulation of business at the latter part of the Session, to the serious interference of the progress of fair discussion. On public, as well as on private and constitutional grounds, then, the House was bound to withdraw its sanction from such a system. He trusted he should receive for his Motion the support of all independent Members, whose privileges were greatly impaired by the practice to which he referred. The hon. Gentleman concluded by moving—



"That if it appear on notice being taken, at the close of the Speech of any Member (such notice not to be taken during the time that any Member is addressing the House), or on the Report of a Division of the House by the Tellers, after Four o'clock, that Forty Members are not present, Mr. Speaker do adjourn the House without a Question first put till the next sitting day; and the name of the Member who has taken such notice, and also the name of every Member present when the House is counted, shall be taken down by the Clerk of the House, and published on the following day in the Votes and Proceedings."

MR. KNIGHTLEY said, he rose to second the Motion, as he believed it was calculated to remedy a state of things that was most inconvenient, particularly as regarded independent Members. He was at a loss to know on what ground the Motion of his hon. Friend could be opposed. On occasions when the fate of a Ministry was at stake, and when, perhaps, 600 Members voted in the division, it frequently happened that there were not thirty Members present at some portions of the debate. If that was the case on occasions of great importance, *a fortiori* it might be expected to happen during ordinary debates. If the House thought it necessary to adhere to the principle on which "counts-out" were founded—namely, that no business should be transacted when forty Members were not present. He intended to move that the original spirit and intention of the regulation in question be strictly adhered to, and that on every future occasion when the Speaker's attention was called to the fact that there were not forty Members present, the doors should be immediately closed, and the House immediately counted, without the alarm bell being rung. Why should those hon. Members who did their duty in the House suffer on account of those who merely thought it sufficient to linger about in the refreshment or other rooms adjoining the House, in order that they might be within call to rush in when their attendance was required for the purpose of recording their votes as they were desired, and, perhaps, without knowing anything of the merits of the question that happened to be under discussion? If it was essential to have forty Members present, why did not all the officials of the Government imitate the conduct of the noble Viscount the First Lord of the Treasury, who was always to be found in his place? Why should that noble Lord be, like

"—The last rose of summer, left sleeping alone,  
"While *his* lovely companions are vanished and gone?"

He called upon the House, for the sake of its own dignity, to put a stop to such a system, as far as it was possible to do so. Believing that the proposition of the hon. Gentleman would tend to improve the regulation in question, he begged leave to second the Motion.

Motion made, and Question proposed.

SIR GEORGE GREY: Sir, I must express my hope that the House will not assent to a Motion which will, I think, tend very much to discredit the proceedings of this House. The hon. Gentleman has said that he does not intend to limit the right which any hon. Gentleman now has to take notice that forty Members are not present; but if the House adopts his Motion, it will, I think, tend to restrain that right, by limiting the period during which the Speaker may be called on to count the House to the short time which elapses between one Member sitting down and another rising. The hon. Member says there are two motives for counting out the House—one to get rid of a dull and uninteresting debate, and he does not object to get rid of such debates; and the other to prevent the discussion of some inconvenient subject. But is it in the power of any Government or of any Opposition to prevent the discussion of any inconvenient subject, provided it is one which, in the opinion of any considerable number of Members, ought to be discussed? It is a complete delusion to suppose that at the present time, when there is so much less party following than there used to be, any Government can prevent the discussion of a subject which a very considerable number of the Members of this House think ought to occupy the attention of the House. The hon. Gentleman has stated that the practice of counting the House was had recourse to twelve times during the last year, and thirteen times during the previous year; but I think the hon. Gentleman is mistaken in supposing that the House was counted out on the majority of those occasions at an early period of the evening. The House has been counted out once already during the present Session; but it was then between twelve and one o'clock in the morning, after the principal business had been disposed of; and it would, I think, turn out that on many occasions during the two previous years the House was counted out after twelve o'clock, owing

to hon. Members becoming wearied and leaving the House. I believe that during the last two Sessions the practice of which the hon. Gentleman complains has been very unfrequently resorted to for the purpose of interrupting business on Tuesdays. The hon. Gentleman says the practice is a very unfair one, because only one night is now devoted to private Members instead of two. I think that is a very great mistake. Tuesday is a day on which notice of Motion may be given by any Member, and they come on according to the priority of the ballot, whereby any Member has an equal chance with any other Member of obtaining precedence. In addition to Tuesdays, Wednesdays are exclusively devoted to the Bills of private Members. The Government never bring forward Bills on Wednesdays so as to interfere with the Bills of private Members. The reason why Thursdays are given to the Government is, that Friday, which was formerly an order-day, had, by the practice that had grown up, been virtually turned into a notice-day, and it was in order to secure two order-days that the Thursday was given to the Government. The privilege of bringing on questions for debate on the order of the day for Supply on Fridays, is made use of very largely, so that, practically, three days in the week are given to private members. Now, with respect to the specific proposal of the hon. Gentleman, it proceeds entirely from forgetfulness that this House is a deliberative assembly, and that speeches are made not merely to be communicated through the reporters to the country, but to influence the opinion of the House and to guide us in our decisions. If the hon. Gentleman's proposal were adopted, it would not be impossible that the House might be emptied of all its Members except the hon. Member who might be addressing it and you, Sir. I have no doubt he has paid a just tribute to your patience and public spirit in supposing that you would be willing to sit and listen. But it would not be creditable if it were known that an hon. Gentleman had risen to make a speech, accompanied by a declaration that it would be of no short duration, and that the whole of the Members might go away with the certainty that the House would not be counted out until the hon. Member had resumed his seat; nor then, except in the short interval between his sitting down and the rising of some other

*Sir George Grey*

Member who might have entered the House a moment before. The hon. Gentleman says that frequently speeches are dull in the beginning but interesting in the end. Now, I think that one effect of the knowledge which hon. Members possess, that the House may be counted out, is to lead hon. Members to compress their speeches; and I think it would be no slight advantage if they were to begin with the interesting part of their speeches. It would be also possible for some hon. Gentleman to make a speech of three or four hours' length, and then take notice that forty Members were not present, so as to prevent any other hon. Member from rising to follow him. The House had better adhere to its existing rule; it was based on good sense, and in practice it has not been found inconvenient. I trust that the House, for these reasons, will not agree to the Motion.

LORD ROBERT CECIL said, that the right hon. Baronet had selected the most unimportant part of his hon. Friend's proposal for his criticism, and had quite passed over the kernel and gist of his Motion. The right hon. Baronet had, in fact, censured, not the proposal of his hon. Friend, but the practice that existed in the House at that moment. It was quite conceivable that the Speaker and some hon. Gentleman should be confronted in the House, while one spoke and the other listened, and that might go on the whole evening, because there would very likely be forty Members in the library and smoking-room who would rush in, make a House, and then disappear. Therefore, the right hon. Gentleman condemned that which existed, and not what his hon. Friend proposed. If hon. Members intended to carry out the rigid theory, and to hear every speech before they voted upon it, then they must abolish the two-minute glass, which enabled Members to leave the smoking-room and make a House. If they did not intend to act on that theory, then there was no standing-ground for opposing the Motion. By maintaining the present system the House did not get rid of one dull speech, silence one bore, or facilitate the business of the House. The important part of his hon. Friend's Motion was, that when an hon. Member took notice that forty Members were not present, he should do so on his own responsibility, and that he should not conceal his name. He wished the House to observe that that was the solitary bit of secrecy in



their Parliamentary institutions. It was the one point in which the ballot had crept in. If a Member chose to denounce a Minister, he must do so in the face of day, and his name was known. If he wished to denounce a particular policy, he did not shrink from publicity. But if he wished to insult a man against whom he had an enmity [*Cries of Oh!*]*—yes, they all knew that such things were done—still more, if it were wished to banish fair discussion upon a subject which those in office, and those likely to be in office, both wished to avoid—a Member need not come forward in the face of day. He had only to slink behind the Speaker's chair, and, unseen by the reporters, and unknown to the world, he was enabled to put a stop to the legislative proceedings of the House. If a debate ought to be put a stop to, surely hon. Members were willing and courageous enough to come forward and give the sanction of their names to their opinions. If a debate ought not to be put a stop to, no opportunity of doing so secretly ought to be allowed. Wherever secrecy was permitted abuses took place. No hon. Member could have been long in the House without having seen Government whips in the lobby asking hon. Members not to go into the House. They were asked "just to stay there a little while," and every Member had known that moral and sometimes even physical pressure had been placed on hon. Members to induce them not to go into the House. If they were to vote on the question as it affected the character and credit of the House, he appealed to hon. Members, whatever else they might do, to let their proceedings be open, above board, and in the light of day, and not preserve that one piece of secrecy.*

MR. PAULL observed, that he regretted to say he felt himself at variance with the hon. Member who moved the Resolution. He thought it exceedingly inexpedient to pass any law or by-law which would sooner or later become inoperative. He did not think the object of the hon. Mover would be attained by the adoption of his Motion. Were they to consider that a quorum of the House should consist of forty Members or not? If they considered that fewer than forty Members should not constitute a House in which questions of importance should be debated and decided, the whole argument fell to the ground. He thought forty too few. The time was when sixty was the smallest number of

Members that could transact the business of the House. His hon. Friend thought it discourteous to interrupt a Member in his speech. That might be true. But what was the object of a speech? Not merely to have it reported, but to influence the decision at which the Member who made it wished the House to arrive. If forty Members would not remain in the House, what was the inference to be drawn? Why, either that the House did not care for the subject, or that the speaker was unable to place it in an attractive light. Nor was it fair to say that Government could always command a House. The House would remember the extreme efforts which the Government made in a former Session to keep a House for one of their most important measures—he meant the Reform Bill which was introduced by Earl Russell, and to which the noble Viscount was godfather. The House, however, was counted three times while that measure was before it. It was, therefore, quite clear that Government could no more prevent a House being counted out than others could sometimes keep a House. As to hon. Members sneaking behind the chair to give notice that there were not forty Members present, that arose, when it did happen, not from any discourteous wish to interrupt a speech. On the contrary, he should consider that he was upholding the privileges of the House in maintaining that no subject should be discussed unless that number which the House, in its wisdom, had thought proper to fix as a quorum, should be present. As to the publicity which the hon. Member wished to give to the names of the Members who were present at the count, he could hardly think that any one would shrink from such publicity.

MR. W. EWART said, he thought that it was important that the Member who might move to count the House should have his name published, as he assumed a great responsibility in putting a stop to the machinery of legislation and the business of the House. The whole of the hon. Member's propositions appeared to be worthy of consideration. Publicity was the soul of their proceedings, and for that reason he objected to a Member going secretly, stealthily, behind the chair and putting an end to a debate in that way, when all the other proceedings were fair and open. He thought the Motion deserved the attention of the House.

MR. BERNAL OSBORNE: I do not

know that I formed any definite idea of the Motion before I came into the House, nor should I have attached much importance to the subject; but, in the present dearth of more important topics, we may as well discuss this. Save for the romantic notion of the noble Lord the Member for Stamford—and really I think he has contrived on this question to give forth a great deal of sentiment—I should not have addressed the House. But I must protest against its going forth to the country that any hon. Gentleman who chooses to go to you, Sir, and make the remark that there are not forty Members in the House, entertains any enmity towards the Member who is speaking. I really was quite surprised to hear the noble Lord adduce such an argument. Does the noble Lord suppose that any hon. Gentleman who acts the part of prompter behind the scenes—and the prompter's name is never given in the bills—does the noble Lord mean to say, that when he himself has been counted out, any hon. Gentleman could have entertained a sentiment of hostility against him? Why, I have had the dissatisfaction of hearing the hon. Gentleman who spoke last (Mr. Ewart) counted out on several occasions. Does anybody believe that any hon. Gentleman entertained hostility to that hon. Member on those occasions? The hon. Member below me (Mr. A. Smith), who is always counted out—why, I remember he was counted out five different times in one Session on the celebrated question of the foreshores—does any one entertain any enmity to that hon. Gentleman? No, Sir; I deny it. I think that when the noble Lord indulged in the little bit of romance about secrecy, and endeavoured to hurl odium on that useful class of men, the counters-out, he forgot that they might be justly looked upon as of that class who

“Do good by stealth, and blush to find it fame.”

I hope the House will not be led away by these new-fangled notions, but that they will stand by the old and accredited mode of counting out the House, and instead of heaping odium on a useful body of men they will stand by them to the last. What has been the practical working of the rule? Has the House ever been counted out on a really important subject that moved the public mind? I am perfectly willing that this subject should be separated into two parts, and that the names of those indus-

trious people who remain here all day and all night shall be before the public. But, on the part of those who are the counters-out, I protest against their being dragged into the light of day. I have never acted that part myself, because I have been content to suffer quietly under a great many speeches; but I will never give a vote that shall heap odium on that useful and meritorious body of men, the counters-out of this House.

MR. BENTINCK in reply said, that the admirable speech of his noble Friend (Lord R. Cecil) had not been answered. He had never heard much romance in the speeches of the hon. Member for Liskeard (Mr. Osborne), and the speech just delivered was not only devoid of romance, but of matter of fact, because he entirely misconstrued both the Motion and the arguments in support of it. As to the insuperable difficulty alluded to by the right hon. Gentleman the Home Secretary as to the shortness of the time which would be afforded for counting out, all he need say was that the difficulty would be avoided by giving the mover of the count precedence over any other new speaker. The right hon. Gentleman had made another startling assertion. He said the front benches had no power to arrange a count-out. Now, he (Mr. Bentinck) appealed to hon. Members whether, over and over again, they had not known the whips arrange the count out—whether it had not taken place frequently? The right hon. Gentleman had stated that private Members had three days each week. But, really, Wednesday went for nothing; Friday, generally speaking, was a *dies non*; and he repeated that private Members were restricted to Tuesday, and that, by the practice of counting out, they were frequently deprived of both their opportunities. The right hon. Gentleman had harped upon the number that had been fixed by the House as a quorum. He (Mr. Bentinck) did not propose by his Motion to interfere with that number at all. If any proof were wanting of the propriety of the Motion, it would be found in the fact that the right hon. Gentleman, with all his eloquence and ability, had not attempted to controvert any material portion of the statement which he (Mr. Bentinck) had made in introducing it to the House.

Question put.

The House divided:—Ayes 43; Noes 219: Majority 176.

*Mr. Bernal Osborne*



## THE TRANSPORT SERVICE.

## RESOLUTION MOVED.

MR. LINDSAY said, he rose to move the following resolution:—

"That, in the opinion of this House, her Majesty's Government ought to adopt measures to carry into effect the recommendations of the select committee of this House appointed in 1860 to inquire into the transport service, or at least such portions of the report of 1861 as were unanimously adopted by the said Committee."

As no part of the session was to be devoted to Parliamentary Reform, there was no subject to which the attention of the House could be with more advantage directed than to questions of administrative and executive improvement. The mode of providing for the transport service at present in operation had prevailed for the last thirty years, with the exception of two years, to which he would presently refer. It was conducted by several departments of the Government. In the first place, there was the victualling and transport department of the Admiralty, which conveyed all the Admiralty stores, engaged all the tonnage required by the Admiralty and the greater part of that required by the War Office and Ordnance. The Commissariat now and then hired vessels to convey their own stores; and the India Office had a transport service altogether independent of the Admiralty. The Colonial Office, through the Emigration Board, engaged vessels for the conveyance of emigrants to Australia, and coolies to the Mauritius and the West Indian colonies. The Stationery Office and other departments at times despatched abroad their own stores without communication with either of the transport offices. Hence much confusion arose, which ought to be avoided, especially when it was remembered that the service involved a large amount of money. For example, in 1854, '55, and '56, the sum expended in the hire of transports by the Admiralty alone amounted in round numbers to £16,000,000; but notwithstanding that immense outlay, nothing could be more unsatisfactory than the way in which the business was done. During the Crimean war enormous quantities of stores were sent out, but somehow they never seemed to reach their destination when they were wanted. The effect of organizing the Transport Board had tended materially to reduce the hire of sailing vessels from 27s. 6d. to 16s. 6d. per ton, and that of steam vessels from 60s. to 30s.; in fact, it had caused a saving of nearly a million

per annum. The evils of the existing system were clearly demonstrated by the evidence taken before the Committee that sat upon the subject in 1860, and made its report in 1861. That Committee, of which he had the honour to be chairman, was composed of hon. Gentlemen who took great interest in the subject, and the witnesses called before it included the most experienced individuals from all departments of the Government as well as merchants and shipowners of great experience. After a very full investigation the Committee unanimously agreed to three recommendations, namely—

"1. That the victualling and the transport department should be separated; 2. That the transport of stores should be removed from the charge of the India Board; and, 3. That the Emigration Office should be abolished and its duties transferred to the Transport Board.

Unfortunately, by the existing system, each department had its own forms of charter parties, its own scale of provisions, and its own system of ventilation; so that every plan differed from the rest. The Committee were unanimously agreed upon the resolutions and the necessity of comprehensive changes; and, upon referring them to the Government, it was found that the Admiralty and the War Office were disposed to adopt the recommendations of the Committee as a whole. But he was given to understand that the India Office did not approve of the proposition so far as that office was affected. The Secretary to the Marine Department for India was asked whether he was in favour of the amalgamation, and his reply was—"Yes, I am very much in favour of it, except in the case of India." That reminded him of the merchant who was in favour of Sir Robert Peel's scheme for taking the customs duty off every article except "red herring" in which he traded. He (Mr. Lindsay) maintained that the proposed change need not interfere with the independent working of the Indian Department. All that would be requisite to do was to send an order to the Transport Board whenever any stores or troops had to be shipped, and the Transport Board would be responsible for carrying that order into effect. They would have to provide for the safety and comfort of the troops, and for the proper delivery of the stores to the place whither they were shipped. As an illustration of the complication, if not the absurdities, into

which the Government were led by the existing system, he would relate to the House what he had been that day told by a gentleman who had just been settling an account with the Government for transport services. A ship belonging to this gentleman arrived in the port of London from Calcutta, in January last. It brought from India 123 time-expired soldiers, 85 invalids, 12 convicts, 2 naval-brigade men, and 1 stowed-away soldier. As for the time-expired soldiers, in order to settle the accounts for them, he had been obliged to go to the War Office and the India Office; for the invalids, to the War Office and the Medical Department of the army; as for the 12 convicts, nobody would own them; the shipowner went to the India Office, the War Office, to the Millbank Penitentiary, and to the Board of Trade; but neither would admit that the responsibility lay with them. He (Mr. Lindsay) supposed there would have been equal difficulty in finding the right office to apply to in respect of the stowed-away soldier. By the plan which the Committee proposed all these offices would be consolidated; and, for instance, about three gentlemen would be enabled to do work which was now discharged by fifteen. An objection, he believed, had also been raised to the scheme by the Colonial Office. It was thought that the Emigration Office should not be amalgamated with the new Transport Department. The Duke of Newcastle had expressed himself strongly in favour of consolidating in one office the transport business of all the departments including the India Office, but he doubted whether it would be advisable to embrace the Emigration Office in the proposed amalgamation. The Duke of Somerset entertained the same doubt. It was a mistake to suppose, however, that the Select Committee proposed to do away with the functions of the Emigration Office. The business of that department had to a large extent already ceased to exist. Of late years the number of emigrants had been greatly reduced, and he believed it was now very small compared with what it was only a short time ago. A man of ordinary business habits, with the assistance of a few clerks, could easily perform all the proper duties of the Emigration Office, having to make arrangements for only 5,000 emigrants in the course of the year. But the office had other duties to discharge, connected

*Mr. Lindsay*

with leases of land, minerals, and orders in Council connected with the transfer of land, which originally belonged to the Colonial Department, and which should be transferred back to it; the engaging of ships for the conveyance of emigrants, &c., being handed over to the new Transport Board. That Board should be, as it were, the carriers of the country; so that if the Admiralty had stores to send out, or the War or India Office troops to any colony, they should separately communicate with that Office, whose duty it would be to classify all these requirements, advertise for the necessary shipping, and be responsible for the conveyance of all troops and stores from the time of embarkation till they were landed at their destination. If anything went wrong, they would know exactly where to fix the blame. The Transport Board would also be responsible for the proper fitting up, provisioning, and ventilation of the ships. The colonies would, as they now do, communicate with the Colonial Office, which would continue to collect the emigrants, as at present. He merely proposed to transfer to the new department the conveyance of the emigrants. He did not see why the Emigration Board should not be thrown into the new department. There was another subject on which the Committee had touched—he referred to the question whether it would be better to engage private transports or for the Government to own transports of their own. There was a great deal of conflicting evidence, but the Committee unanimously agreed to the following recommendation:—

“That, as a general rule, Government transports are much more costly than hired troop-ships; and, considering the vast extent of the mercantile marine of this country, and the magnificent steamships and vessels of every description which can at all times be obtained, your Committee are of opinion that Government should in future rely still more on the mercantile marine for the transport of troops.”

That conclusion was arrived at after hearing the evidence of Admiral Sir A. Milne, who for thirteen years had filled the office at the Admiralty now held by Captain Eden. Admiral Milne entered minutely into the whole question, and in the appendix to the report gave the actual cost of Government and hired transports. According to his account, one of Her Majesty's ships engaged in the transport service cost, exclusive of insurance and depreciation, £27,800, whereas exactly



the same work was performed by a hired steamship for £13,200—just about one-half. It was desirable that the Government should have sufficient transport of their own for the ordinary reliefs, but in great emergencies they might well depend upon the assistance of the merchant service. He trusted that the House would support the unanimous recommendations of its own Committee on the subject, and not allow an investigation which had extended over two years to remain barren of results. The hon. Gentleman concluded by moving the resolution.

SIR GEORGE LEWIS: Sir, the time was when Governments were accused of too great a desire to create new departments and new boards, and when the principal function of independent Members of this House was to restrain the appetite of a Government for wasteful expenditure of that description, by which its patronage in new appointments was increased. Now, however, we have lived to see quite a different state of things arise. The creation of new branches of Government is not unfrequently recommended in this House by independent Committees and independent Members; and it not unfrequently falls to the lot of a Minister to decline, at all events for a time, the creation of a new department of the State. Well, I find myself in that position in the present case. I quite admit that the Report of the Committee of last Session was a well-considered report, that its recommendations are worthy of the attention of the House, and ultimately of adoption by the Government. But I am not at this moment enabled to say that the Government will at once act upon those recommendations. My hon. Friend said the result of his proposal would be that the work which was now done by fifteen persons would be done by three. It is very likely that it would be necessary to create a board consisting of perhaps three Members and a secretary upon whom this duty should be devolved; but I confess that my experience of changes of this sort does not lead me to anticipate with great confidence that the services of the fifteen other gentlemen who are said to be superseded will be dispensed with, and that a reduction to that extent in the different departments will take place. I think the House must expect, that if this new department should be established, there would be some additional number of persons employed

in the public service, and some additional expense incurred; although I do not at all dispute the conclusion of my hon. Friend, that increased efficiency would be obtained, and no doubt, as the ultimate result of that, increased economy also. But that there would be some addition to the establishment is, I think, a fact which must be admitted as the foundation of this measure. My own experience of the late transmission of troops to Canada leads me to believe that our present system is capable of improvement, and that there exists some confusion and some conflict of authority, which, although it did not cause any serious inconveniences on the late occasion of the despatch of troops, has still a tendency to produce errors in the shipment of stores and in the performance of the transport service. Therefore, the first part of these recommendations—namely, that the transport service should be separated from the Victualling Department of the Admiralty, under which it is now exclusively placed, is, I think, as a matter of principle a good and sound suggestion, and so far I quite concur with my hon. Friend who calls attention to this Report. The two departments—the Admiralty and the War Department, I may say, are agreed generally in the admission of that principle, and they will be prepared, when the due time has arrived, to take steps for carrying it into execution. But then, Sir, there are two other departments which are also concerned in the matter—namely, the India Office and the Colonial Office. With respect to the first of these departments, my right hon. Friend at its head thinks that for the present it would not be advisable to make this change. He does not dispute that ultimately it would be advantageous; but he says that the shipment of troops and stores to and from India has always been regarded as well conducted under the separate management of the India Department; that their arrangements are now, and for some time to come, fixed and settled; and he is therefore not willing to agree to the immediate adoption of this measure. I believe he has stated his reasons for that opinion in a communication addressed to the Board of Admiralty, and there will be no objection on the part of the India Board to the production of that communication. If those reasons should appear to the House to be sufficient, they would, of course, militate against the immediate adoption of the second of these recommendations; namely

the removal from the India Office of the transport of all troops and stores to and from our East Indian possessions. The third recommendation is the abolition of the Emigration Office, and, consequently, the transfer to the Colonial Office of all business connected with the various laws passed by the Colonial Legislatures relating to land or emigration. Now, I believe it is the opinion of the noble Duke at the head of the Colonial Office, that this change could not be effected in such a manner as to give satisfaction to the different Colonial Legislatures—that those Legislatures deem a separate Emigration Board in connection with the Colonial Office to be necessary, that they would not understand a Transport Board which would be principally devoted to the transport of troops and stores under the conduct of the Admiralty and the War Office, and that he is not prepared, on that account, to give his assent to this change. I am not sure whether it would be possible to arrange any plan which would obviate these objections; but, at all events, the Government cannot at this moment carry this measure into effect without reference to the opinions of the heads of the Colonial and Indian Departments. I may say, however, that the Government regard it principally as a question of time and manner; that they admit the principles laid down in this Report; that they think it very desirable that the transport service—that is to say, the conveyance of troops and stores to and from this country, the colonies, India, and other places beyond seas—should be conducted under a separate Transport Department; but that they do not see their way to its adoption at the present moment. The abolition of the Emigration Board is a question on which more difficulty arises. The arrangements for voluntary emigration to the colonies are not necessarily connected with the transport of troops, and everybody, I think, must perceive that although it is possible that this recommendation may be a wise one, still, on further consideration, it may be open to serious objections. Certainly it does not present any very obvious congruity with the other parts of the measure. Under these circumstances I trust that my hon. Friend will be satisfied with the assurances which I have given him, that the Government is on the whole favourable to his views; and I should add, that although they are not ready at this moment to carry them out,

*Sir George Lewis*

they are yet taking steps for giving effect to them. They have appointed a committee of persons belonging to the Admiralty and the War Departments, with instructions for the framing of a plan in accordance with the recommendations of the Select Committee; and I believe my noble Friend near me (Lord Clarence Paget) has included in his Estimates a certain sum for laying the foundation of a Board of the description now proposed. I hope, therefore, that my hon. Friend will not think it necessary to divide the House on his Motion. The House is aware that this is essentially an executive question, in which details of administration are involved; and if they are satisfied that the Government are prepared to act upon the principle, which they consider to be a sound one, they may, with perfect consistency, leave to the discretion of the Government the elaboration of details which are necessary to carry that principle into effect.

SIR FREDERIC SMITH said, he was glad to hear that the right hon. Baronet admitted that efficiency and economy would be the result of establishing a Transport Board. As a member of the Committee, he could not but express his regret that the question had been left under consideration for two years. He thought sufficient time had been afforded for the various departments to make any arrangements that might be necessary. He had heard, that had not the American difficulty been settled so soon, a Transport Board would have been immediately established. The blue-book showed the great emergencies that occurred at the commencement of the Crimean war, and as no one could tell when a fresh difficulty might spring up, he thought that now was the time, when affairs were quiet, to make any changes that were necessary.

MR. KINNAIRD said, he hoped that after the satisfactory reply of the right hon. Baronet the Secretary for War the hon. Member for Sunderland would not press his Motion to a division. He thought the recommendations were being carried out with extraordinary rapidity, as the principle was admitted by the Government, and two of the most important departments were already acting in accordance with those recommendations.

MR. JACKSON said, that having been a member of the Committee he was quite content with the assurance of the right hon. Baronet, but he would press upon



the Government the necessity of acting promptly. Within a short time the country had been in danger of a great war, and if that had occurred, they would have found our transport system as imperfect as it was on the breaking out of the Crimean war. A time of peace and calmness was a fitting opportunity for establishing a better system.

MR. CHILDERS said, he also hoped the Motion would not be pressed. With respect to the third recommendation of the Committee, he wished to make one or two suggestions which might, perhaps, be considered by the Government before finally adopting any course as to the Emigration Department. The recommendation in the Report was, that that Department should be abolished altogether; but in describing the duties of the office some of its most important functions were omitted. The hon. Member for Sunderland had omitted to refer to the duty cast upon the Emigration Department to carry out the provisions of the Passenger Act. Every vessel leaving this country with passengers was inspected by that department, upon which also devolved the duty of prosecuting in cases of ill-treatment of passengers whether leaving or arriving in the United Kingdom. When the Committee recommended the abolition of the Emigration Department, they should have pointed out what other department ought to discharge those most important duties. The arrangements for sending Government emigrants to the colonies had been put upon the same footing as the transport of stores and soldiers; but that was a mistake. The greater part of the funds employed in the conveyance of emigrants was not the money of this country, but the money of the colonies. A very large proportion of the expenses of the Emigration Office itself was defrayed by the colonies. He would ask the House whether they were prepared to transfer to a department having nothing to do with the colonies the duty of looking after the safety and comfort of these emigrants, or would they wish to cast that duty entirely upon independent agencies appointed by the colonies themselves? The latter would inevitably happen if the Admiralty did the work of the present Emigration Office. The colonies were unwilling that an arrangement should be made by which these functions were taken away from a department with which they were in direct communication, and turned over to a department with which they had nothing to do.

SIR GEORGE LEWIS said, that his noble Friend at the head of the Colonial Office also objected to the amalgamation on colonial grounds, for the reasons just stated by his hon. Friend.

MR. LINDSAY, in reply, said, that as the right hon. Gentleman had admitted the principle for which he contended, he should rest satisfied with the pledge of the Government on the subject, and should not press his Motion.

Motion, by leave, *withdrawn*.

## ECCLESIASTICAL STATUTES.

### RESOLUTION MOVED.

MR. H. SEYMOUR said, he rose to move that it was expedient that the Ecclesiastical Statutes be revised with a view to their consolidation, and he did so upon two grounds. The first was, that ecclesiastical matters were at length claiming the attention of the Government, and the Home Secretary had given notice of a Bill for the reform of the Ecclesiastical Courts, to which his own Motion might be said to be supplementary. The second ground was, that the consolidation of the statutes was regarded as a work which ought to occupy the attention of Parliament, more especially at a time when it was not occupied with the consideration of subjects of an important external character, and when the Session was likely to derive its character from the promotion of measures for effecting important internal improvements. The Commission for Consolidating the Statute Law had resolved, after mature discussion, that the best way of carrying out this consolidation was not by any general system, but by choosing groups of statutes devoted to one particular subject, and consolidating each group separately. With regard to the consolidation of the statutes generally, the first Motion was brought forward by Lord Brougham in 1833, when a commission was appointed to consolidate the criminal statutes. They reported in 1835, and then the matter lay dormant until 1853. In 1854 another commission was appointed, and existed till 1859, when it ceased. It made several valuable reports, and left many materials for future consolidation. The result was, that there had been three great consolidations of the law of late years—the Bankrupt Act in 1849, which paved the way for the amended Act of last year; the Customs Act in 1853, when from 1,000 to 1,500 statutes were consolidated;

and the criminal law consolidation of last Session, which had also given universal satisfaction. He then asked the House to consolidate the Ecclesiastical Statutes, without which the reform of the Ecclesiastical Courts would be extremely imperfect. These statutes had been collected by an eminent ecclesiastical lawyer, Dr. Stephens, in two large volumes, containing 2,270 octavo pages. The collection extended up to 1846, and if these statutes were brought together at that time, they would probably occupy 3,000 pages. Of the ecclesiastical laws, one class related to religious and the other to temporal matters. In the first division were all the statutes relating to the Book of Common Prayer of the Church of England, and the Thirty-nine Articles, and such other statutes as might be considered as the foundation of the Church both in England and Ireland, or illustrative of her history. He had explained to the hon. and learned Solicitor General that he was willing to amend his Motion, so that none of these statutes should be in any way touched by it. The distinction between the temporal and religious statutes was well known to ecclesiastical lawyers, and might be made without any difficulty. It was possible to keep them on the Statute Book; but collected and bound in a separate form. The second class of statutes were those relating to temporal matters. These were far more voluminous than the others; there were, he believed, about 2,300 of them altogether; there were 26 Church building Acts; there were 40 or 50 Acts relating to glebe leases, clergy leases affecting church property in England and Ireland; there were 78 Acts relating to Church discipline. It might be thought desirable not to touch the last class of Acts, and the same might be said of the Acts relating to dilapidations. They might however be consolidated without alteration. Then there were 39 Acts relating to the augmentation of benefices; to the residence of the clergy, 31; and there were 11 statutes relating to vestries. Many of these Acts had been recommended as special objects of consolidation by the Statute Law Commission in its various reports. The number of these statutes that had been passed, especially since 1800, was perfectly extraordinary. In the reign of George IV. the number of statutes passed relating to ecclesiastical matters was 265; in the reign of William IV. there were 136, and

in the present reign, down to 1846, there were 173 passed. Taking as a standard the average number of statutes passed in the three years preceding 1846, there had been passed since then about 432 statutes. The total number of statutes was about 2,400, and, deducting the purely religious and eleemosynary statutes, that would leave about 2,283 to be considered. Then allowing 700 for repealed statutes, there would remain about 1,500, which could be consolidated without in any manner interfering with the religious statutes. The Statute Law Commissioners stated that of the Acts passed since 1800 three-fourths had either expired or become obsolete. That report was signed by men of great eminence—by Lord Lyndhurst, Lord Brougham, Lord Stanley, and the present Lord Chancellor. But it was perfectly indifferent whether the number was 1,500 or 500: if it was large, it made it imperative on the Government to consider how they could be presented in a more compendious form; if the number was smaller, there was no difficulty in the matter. In either case, when the Ecclesiastical Courts were occupying the attention of the Government, the ecclesiastical law ought also to be considered. He would remind the House that one of the last things it did in the last Session was to pass a Bill repealing many hundreds of obsolete statutes, with the object of preparing a revised edition of the Statute Book, in which the laws of the land might be presented in the most compendious form possible. He asked the House to carry out that intention; the present was a fitting time for the work, as there was not likely to be any urgency or press of business to prevent it. Since the Statute Law Commission expired, two gentlemen of great learning and ability had been employed in the expurgation of the Statute Book; that was, in picking out the expired, repealed, and obsolete Acts; they were beginning at the beginning of the Statute Book, and going gradually through it down to the present time. He need not say they had not advanced far in their labour. Some years would probably elapse before they completed their work. But their labour had nothing to do with the Motion he submitted; because their task was confined to the expurgation of the Statute Book; they were not employed at all on the consolidation of the statutes that remained. What he proposed was more comprehensive; it



was both to expurgate the statutes relating to temporal ecclesiastical matters, and to consolidate those statutes that remained into the smallest possible compass. Now, the ecclesiastical law was a particular study, and a matter of special knowledge. It involved the deepest interests, both of the clergy and laity. The revision should therefore be confided to special hands, and treated as a special subject; if accomplished, it would be a great step gained towards the consolidation of the whole statute law, and would be a reform that, he hoped, would prepare the way for an English code. He was glad to find that the Government intended to propose a reform of the Ecclesiastical Courts; but there were two evils to be remedied—bad law and bad judges. The reform of the courts would touch only the judges, of whom nineteen out of twenty had been declared by high authority to be incompetent to their office. The reform would not touch the other evil of bad, inconvenient, and expensive law, under which it was often said it was better to submit to a wrong than resort to such law to obtain a remedy. It might be said that the state of the Ecclesiastical Law was not a real grievance, or that the grievance was only felt in a few cases. But on this point a distinguished prelate, whose merit had received a just reward by one of the last Acts of the patronage of the present Government, the Bishop of Killaloe, had stated that the present state of the Ecclesiastical Law and the Ecclesiastical Courts tended to shelter great delinquents and render difficult the expulsion of religious error; and within the last week the *Record*, the organ of that party in the Church from which the Government had selected several of the prelates who adorned the episcopal bench, had declared that the Ecclesiastical Law, with its discordant statutes and anomalies, was enough to warrant any amount of indignation. That law governed 20,000 clergy, and the laity were deeply interested in it, both ecclesiastically and in a pecuniary point of view. The lay patronage amounted to nearly £2,000,000, all of which was governed by that law, but neither the clergy nor the laity were able to ascertain what their rights or liabilities were, without going to an ecclesiastical lawyer. It was perfectly possible to make that law clear and plain. That was the opinion expressed by the Lord Chancellor when in that House, and he did not believe that the noble and learned Lord had

changed it since his elevation. No fresh constitution of the Ecclesiastical Courts would do that. What was needed was the consolidation of the Ecclesiastical Statutes as proposed by his Motion. A work like that would stamp the present Session, for which at present there was no work provided. As yet there were literally but two Bills of any importance before them, and when they had passed the Highways Bill and the Bill for making the road across Kensington Gardens there was no reason why hon. Gentlemen should not be allowed to return to their constituents. Since his elevation to the Woolsack, Lord Westbury had endeavoured to be a great law reformer; it was in that capacity that he wished to be handed down to Parliament. He had much work before him, but to do it all he would require the strenuous support of the House of Commons. Public attention had been recently called to the work of consolidation in a remarkable speech delivered by one of the most rising statesmen of the day, the noble Lord the member for King's Lynn. He told his constituents that one of the most important works which the present Parliament would have to undertake would be the consolidation of the statute law, and, from the opinions which were known to be entertained on the subject by some hon. Gentlemen on the other side of the House, there was no doubt that if the party opposite came into power, that would be one of the first measures which they would take up.

Motion made, and Question proposed,

“That it is expedient that the Ecclesiastical Statutes be revised, with a view to their consolidation.”

THE SOLICITOR GENERAL said, he quite agreed with the hon. Gentleman that the subject to which he had called attention was a large and important one, and that in several of its branches there could be very little difference of opinion as to its being desirable to improve the law. But to agree to an abstract resolution in the terms proposed by the hon. Gentleman would be inexpedient and productive of no advantage. The hon. Gentleman had referred to the very learned and able publication of Mr. Stephens, which obviously had suggested to him the terms of his original Motion. That Motion was for the consolidation of the Ecclesiastical and Eleemosynary Statutes, which happened to be the title of that learned gentleman's voluminous work. He was not surprised that his hon. Friend, on taking up that

work, should have been alarmed and astonished at the great magnitude of the Ecclesiastical and Eleemosynary Statutes. His hon. Friend had accurately stated that these two volumes contained 2,270 and odd pages, and that, if continued down to the present time, the work would contain somewhere about 300 more. The statutes mentioned in them were 2,283, and considerable additions had since been made to the number. No doubt, the first exclamation of hon. Gentlemen would be, "What an appalling mass of statutes, and what enormous need there must be for consolidation." But if they would take the trouble to look a little more carefully into the volumes, their alarm and astonishment would be considerably diminished, because it would be seen that almost every statute became an Ecclesiastical Statute under the touch of Mr. Stephens. A close examination of the Statutes comprised in the book immediately repelled the idea of consolidation. Not only did Mr. Stephens's volumes contain those Acts which most persons would recognise as being part of the ecclesiastical law — Acts relating to the constitution of the Church, its primary and normal relations to the State; Church Discipline Acts; Church Building Acts; Acts relating to tithes and commutation of tithes; Acts relating to cathedrals, bishops, deans, and chapters, and the like; but in addition to these a great part of the bulk of the book consisted of Acts which only referred to ecclesiastical matters in the most partial and incidental manner. For instance, the last Statute of Limitations contained a clause which applied to ecclesiastical property; therefore the Statute of Limitations appeared in Mr. Stephens's book. The Municipal Corporation Act was also there, because municipal corporations had advowsons which required to be sold. All the Acts relating to the registry of births, deaths, and marriages, all the Marriage Acts, all the Burial Acts, were also mentioned. There also appeared in it the Acts for the government of Canada, and the Act for providing for the regency of the kingdom in case of Her Majesty having been removed while the heir to the Crown was a minor. Not only that; but his right hon. Friend the Chancellor of the Exchequer would be surprised to hear that his old friend the paper duty found a place there. It so happened that books of a certain description, published at the two Universi-

*The Solicitor General*

ties, were exempted from the paper duty, and the Act concerning the paper duty therefore, figured among the Ecclesiastical Statutes. The Metropolitan Police Act was there, because it contained provisions forbidding certain things being done on the Lord's Day; the Prisons Acts, because they regulated the appointment of chaplains; the Bakers and Sale of Bread Act, because bakers might not sell bread on Sunday; and the Evidence Acts, because parishioners were empowered to give evidence in certain parish cases. The House would thus see at once that under the name of Ecclesiastical Statutes many things were brought together which in no essential point came in contact either with the Church, the clergy, or with religion. These, instead of being proper subjects for consolidation, absolutely repelled consolidation, and to attempt it would be to create confusion and not order. At the same time, there was left a certain residuum more properly ecclesiastical, and that divided itself into various branches. He could not for a moment adopt his hon. Friend's division into religious and temporal. There was hardly an Act on the Statute Book to which that division was appropriate. Except so far as the services of the Church and the Thirty-nine Articles were concerned, there was hardly an Act which was not, primarily and properly speaking, temporal and concerning temporal matters. The great constitutional statutes which fixed the relations of Church and State were one class of Ecclesiastical Statutes; and as he understood that his hon. Friend did not think it expedient to tamper with them, they might be dismissed from consideration. He then came to those statutes—and they were not so numerous as his hon. Friend supposed—which related to Church discipline, and entered into the body of the special law to which the clergy were subject. As to the administration of that law, there was undoubtedly considerable room for improvement, but there was no uncertainty as to what the law was. And here he could not help observing that much of the latter part of his hon. Friend's speech had reference rather to the improvement of the law than to its consolidation, and the pamphlet of the right rev. Prelate he quoted alluded to the evils of the present law and the amendments which it required. That was a delicate and difficult subject, and any one who successfully undertook it would be a benefactor to the public.



But amendment ought surely to precede consolidation; it would be desirable to get the law into the state in which they wished it to be before they proceeded to consolidate it. The practical question when dealing with consolidation was, what were the branches of the law which were in a state in which it was at once practicable and convenient to consolidate the scattered statutes for the purpose of putting the law into a clearer and more legitimate state. He was far from denying the expediency of performing that process in respect of some portions of that great mass of law which was grouped together under the name of ecclesiastical, but if the Government committed themselves to doing it as to the whole, they would be giving a most idle promise, which there would be no chance of their redeeming in the current or even in a dozen Sessions. There were some things which fell within the general scope of the Motion which it would be expedient to do, and his hon. Friend would have done good service in pointedly calling attention to them. In fact, he believed he did not state too much when he stated that the Government would profit by his suggestions, and would direct their attention to the consolidation and revision of the law upon those topics. For instance, the Church Building Acts were extremely numerous; they related to an important subject, and occasion was constantly arising for reference to them. They were a very ill-drawn set of Acts, each prepared without due consideration of the others, and their consolidation and revision would be attended with great advantage. He thanked his hon. Friend for having directed attention to that subject. It would not be overlooked by the Government, and he hoped that the day was not far distant when a Bill would be presented for the amendment and consolidation of that part of the law. To the subject of residence houses, which was closely connected with that of church building, attention might also, with great propriety, be directed. Nor did he say that the Government should stop at those points, or that other branches of the law kindred to them might not properly be dealt with. What he submitted was, that it was not expedient for the House, by adopting this Motion, to pledge themselves to a very great undertaking, which could not be entered upon without a large staff and a very considerable expenditure, in addition to that which was now being devoted to the progressive work

of the improvement of the law. A specimen expurgation statute was passed last Session; two gentlemen of very great ability and aptitude for the work were now engaged, under the direction of the Lord Chancellor, in the continuance of that work, and his Lordship hoped during the present Session to submit to Parliament a Bill which would remove from the statute book all useless, obsolete, and repealed statutes which had been passed between the time at which legislation commenced and the end of the reign of Henry VII. That would be no inconsiderable progress, and the work would go on with as much expedition as was consistent with its careful and conscientious performance. Surely, it was desirable that before consolidating the Ecclesiastical Statutes a similar process should be applied to them. He thought that his hon. Friend might leave the direction as to the order of that work to those who had it in hand; and he would remind him, in conclusion, that the commission to which he had alluded did not recommend the undertaking of this Herculean task of a general consolidation of everything which could be called ecclesiastical law. They preferred the course which the Government thought it more wise to adopt—that of dealing with particular subjects on principles similar to those on which they had constructed other Consolidation Acts.

Mr. FREELAND said, he entirely sympathized with the motives which had induced his hon. Friend to bring the subject before the House. One more important, he thought, could not engage their attention. He concurred, however, with his hon. and learned Friend the Solicitor General that it would be inexpedient for the House on a matter of such magnitude to commit itself to the terms of a somewhat vague resolution. The Solicitor General had placed the real question in a very plain and intelligible form before the House, and had promised on the part of the Government that as regards the statutes relating to church building, they would at once apply themselves to the work of consolidation; and those statutes certainly required, more than many others, to be so dealt with. He had also intimated that the statutes relating to residence should be consolidated, and that other groups should be dealt with in a similar manner. He (Mr. Freeland) thought that this was the proper course to pursue to effect a few simple reforms in the law, and to present results in a

definite shape to the country. He thought that this would prove a far more satisfactory course than launching out into vague resolutions, the scope of which the country could not appreciate. He hoped that the Lord Chancellor would maintain in another place his character as a law-reformer. Under the circumstances, he hoped his hon. Friend would not press his resolution to a division.

MR. HADFIELD said, they had several immense volumes of statutes on ecclesiastical law which might be reduced within very small limits; and he believed that if they were consolidated, and the repealed Acts taken out of the way, it would be a boon to the student, the profession, and the country at large. He was glad to see a prospect of the Church Building Acts being reduced to something like an intelligible form. He was sure the Lord Chancellor was in earnest in the matter, and he hoped now something would be done. At the same time he trusted that the Government, in prosecuting legal reforms, would not confine their attention exclusively to ecclesiastical measures.

MR. LOCKE said, they had often been promised consolidation, not only of the Ecclesiastical Statutes, but of the laws generally. And he wished to know, before they went into the matter before them what had been done in respect to the consolidation of various other laws? He was aware that, at the instance of the hon. and learned Gentleman the Member for Suffolk (Sir FitzRoy Kelly), several gentlemen had been employed to condense and consolidate various branches of the law. Among other subjects taken up, a Bill had been prepared embracing the whole of the law with regard to aliens. The measure passed last year was not strictly an Act for the consolidation of criminal law, but only of what were commonly called Sir Robert Peel's Acts; and, owing to the course which had been adopted in consolidating with them certain portions of Lord Campbell's Acts, considerable practical inconvenience had arisen. Some of the clauses only having been repealed and others left standing, it became necessary to consult two Acts for the future instead of one.

MR. LOCKE KING said, he could not take credit for having induced the House to adopt any species of law reform. He had only been instrumental in getting rid of the Commissioners, and he felt glad at having done so, because, so long as they occupied the ground, nothing was done in

*Mr. Freeland*

the reform of the law. He thought they ought to proceed first with the expurgation of the old statutes, and then go on with the consolidation of the remainder. With regard to the matter now under consideration, he was of opinion that his hon. Friend had done good service in bringing forward the question, and he hoped he would accept what he might call the pledge of the Government, and alter the wording of his Motion, so that it would stand as a simple declaration in favour of the consolidation of these Acts.

LORD FERMOY said, that while not going to the full extent with the argument of the Solicitor General he thought that the instalment which the hon. and learned Gentleman had promised would do something. The fact that the Solicitor General called Dr. Stephens's book a jumble of everything, showed the necessity for a complete consolidation.

THE SOLICITOR GENERAL: I meant no disrespect to Dr. Stephens.

LORD FERMOY said, he knew no reason why the Ecclesiastical Statutes might not be consolidated in one or two years. He ventured to express a hope that the Church of England and that of Ireland—or, more properly speaking, “the United Church of England and Ireland”—would be dealt with as one. If the Government did not treat them as one, but dealt with the Act of Union as waste paper, he hoped they would call together the Irish Parliament to deal with Irish Church matters.

MR. SEYMOUR in reply said, that he could not accept the amendment proposed by the hon. Member for Surrey, because he thought there was more to be hoped from the promised measure of the Solicitor General than could be got from what the hon. member (Mr. L. King) proposed. As he understood, there was at present no work of consolidation going on, but only expurgation by two gentlemen. If that state of things were allowed to continue, half a century might elapse before the desired object was accomplished. The Statute Law Commissioners had reported that, to a great extent, amendment and consolidation might go on together. After what had been stated by the Solicitor General he would, with the permission of the House, withdraw his motion.

Motion, by leave, *withdrawn*.

#### REGISTER OF VOTERS.

##### LEAVE. FIRST READING.

MR. LOCKE KING said, he rose to ask



for leave to bring in a Bill to provide for an alphabetical index to the register of voters in counties and boroughs in England and Wales. The object he had in view was neither a party nor a political one; it was simply to remove the confusion in which the register at present stood. Every one who had looked into the register of any large constituency would find that, though the names were alphabetically arranged according to the parishes, it was difficult to find readily the name that was sought. It was now the fashion that to every book published there should be an index, and all that he asked was to append to every register, in small type, and in an inexpensive form, the name of each voter alphabetically arranged, and his number on the register. The plan would be very simple, very inexpensive, and very effective. As he believed the proposal would be generally approved of, he should say no more in its favour.

Leave given.

Bill to provide for an Alphabetical Index to the Register of Voters in Counties and Boroughs in England and Wales, *ordered* to be brought in by Mr. LOCKE KING and Mr. KER SEYMER.

Bill *presented*, and read 1<sup>o</sup>; to be read 2<sup>o</sup> on *Tuesday* next, and to be *printed*.

#### PROSECUTIONS EXPENSES.

##### LEAVE. FIRST READING.

SIR GEORGE GREY said, he wished to reintroduce the Bill of his right hon. Friend the War Secretary for the amendment of the Acts relating to the payment of expenses of prosecutions. It was proposed that there should be a uniform scale of allowances to witnesses payable by the Treasury, which should in no case be exceeded; but that the county magistrates should have power, subject to the approval of the Secretary of State to increase the allowances out of their own funds. He moved for leave to bring in the Bill.

MR. A. TURNER said, he was glad that a Bill on the subject was to be introduced, because the existing regulations caused great inconvenience and frequent complaints, particularly in the counties of Lancashire and Yorkshire. The magistrates of Lancashire had made a strong presentment on the subject, complaining that the scale interfered with the due administration of justice by deterring witnesses from attending courts to give evidence. He had heard of the case of a

surgeon who, after losing a day's practice, in a case in which two men were sentenced to penal servitude, found, on reaching home, that his allowance left him a balance over expenses of 1s. 6d.

LORD HOTHAM said, that having been a Member of a deputation from Yorkshire on the subject, he wished to corroborate the opinion entertained as to the injury and inconvenience accruing to the present administration of the law from the present mode of paying witnesses.

SIR GEORGE GREY explained, that the Bill was the same that was brought in by his right hon. Friend (Sir George Lewis) last Session. It was founded on the Report of the Commission of 1858. He would not put the second reading for a very early day, and he wished the Bill to be printed before he named a day for the second reading.

Leave given.

Bill for the Amendment of the Acts relating to the payment of the Expenses of Prosecutions, *ordered* to be brought in by Sir GEORGE GREY and Mr. CLIVE.

Bill *presented*, and read 1<sup>o</sup>; to be read 2<sup>o</sup> on *Monday* next, and to be *printed*.

#### COURT OF CHANCERY.

##### LEAVE.

MR. ROLT said, he rose to move for leave to bring in a Bill to regulate the procedure of the Court of Chancery. The object of his Bill was simply to make it imperative on the Courts of Chancery to determine every question of law and fact necessary to enable them to administer the jurisdiction they possessed. He did not desire either to enlarge or to diminish, to alter or affect in any way the jurisdiction of these courts. In the exercise of that jurisdiction, however, there often arose questions of law and fact, which, under the present mode of procedure, the courts of equity were in the habit of referring to the courts of law for their opinion or decision as preliminary to the determination of the equitable questions arising in the case, and he proposed by this Bill that this course of procedure should be discontinued. The object of the Bill, though simple, was therefore of considerable importance, and would produce very large results in the administration of justice in those courts. He was quite conscious that the *onus* lay upon him to give solid reasons for the change. The Legislature had already thought it

desirable to remove all doubt as to the power of the Court of Chancery to determine all questions of law and of fact requiring to be determined for the exercise of its jurisdiction; and the Act of the 15 & 16 *Vict.*, c. 86, gave them full power for that purpose, and with the same view took away from the Court the power of obtaining the opinion of a court of law by stating a case. But notwithstanding the evident intention of the Legislature, the Court of Chancery was still in the habit of sending questions of law and of fact to be determined by a court of common law as before. It was still within the power of the Court of Chancery to refuse or postpone its own decisions until some question of law or fact had been decided at law either by means of an action or of some issue directed by the court to be tried at law. The cases of injunctions applied for in equity against the infringement of patents or of copyright would very well illustrate the subject, though there were many other classes of cases in which the inconvenience of the present system was equally great. If the owners of a patent alleged that it was infringed, they applied to the Court of Equity for an injunction, and their right to the injunction in equity depended in equity on the legal validity of the patent and on the fact of infringement. The court was in the habit of saying to such parties, "You must bring your action at law or try your issue. Prove that the patent is valid and has been infringed, and then you may come here, and we will grant you an injunction." That state of things caused much uncertainty, delay, and expense. The courts had the power of determining the law and the fact for themselves, but it was a question of discretion with them whether they should exercise the powers they possessed or not, and frequently they were led to say that the courts of law were a better tribunal, and to decline to discharge the duties to which the Legislature had invited them. Every suitor to the Court of Equity was told that the court had the power to determine all the questions of law and fact, and the result often was that he exhausted all his evidence and went through the whole of his case, as if everything were to be decided in equity, only to find that it had all to be done over again, with great additional delay and expense, in a court of law. The grievance was of so large and frequent a character that it was

*Mr. Rolfe*

worthy of redress. In about one hundred cases that had recently come under his notice, one-sixth contained some specific question of law or fact that required to be determined to enable the Court of Chancery to exercise its jurisdiction, and more than two-thirds of this proportion had been sent to a court of law. One objection might possibly be urged—namely, that judges of courts of equity were not so equal to the discharge of these duties as judges of courts of law, and that in equity there was no adequate machinery for the purpose. But it was well known that equity lawyers were selected to argue pure questions of law in the Exchequer Chamber and in the House of Lords, the courts of the last resort. In fact, it was necessary to be master of the whole law before any person could with propriety undertake to practise or to administer justice in courts of equity. He had known, for instance, a case of copyright, which was a pure question of law, sent out of the Court of Chancery to be tried in a court of law; and when argued at law, the authorities cited had been for the most part cases which had been decided in a court of equity. Now, he proposed to make it imperative on the Court of Chancery to determine all such questions itself. Questions of equity were frequently arising in courts of law, and, there was no such necessity for judges in courts of law to be masters of equity as there was for judges of equity to be masters of law; but a court of law never thought of sending equitable cases to courts of equity, but dealt with them itself; and, in like manner, there could be no doubt whatever of the capacity of courts of equity to deal with questions of law. The only question, therefore, was, whether courts of equity had sufficient facilities to deal with all questions of fact? It was quite competent for them to summon witnesses and to sift evidence *vis à voce*, and to proceed by jury trial when necessary; and though for the first half-dozen cases there might, perhaps, be some awkwardness in the way in which practitioners in equity might deal with a jury, yet the difficulty would soon be got over. At all events, if there was any part of the duty which the equity judges were unable to discharge, let them be deprived of jurisdiction so far as regarded that part, but do not let suitors be bandied backwards and forwards from one court to another to try a single question of right. He desired, in conclusion, to



say that he did not for one moment complain of the course taken by the judges in the courts of equity, or of the way in which they exercised the discretion intrusted to them, as to the determination of questions of law and fact. No body of men, without exception, could be found more able or more willing to discharge every duty which was placed upon them. But, taking human nature as it was, the result would be such as he complained of—when there was power to send particular cases elsewhere, there would be a natural and inevitable tendency to do so. If each court was, as it was bound to be, master of the principles of law and equity, and each court was bound to discharge all its own duties, the advantages of a division of labour would make it convenient that the courts should be separate as now; a great and substantial remedy would be provided for evils existing under the present system; and there would be no necessity for any fusion of or any breaking down the boundaries between the principles administered in courts of law and in courts of equity. The hon. and learned Gentleman concluded by moving for leave to bring in a Bill to regulate the procedure of the Court of Chancery.

The SOLICITOR GENERAL said, he heartily concurred in the general views and principles which his hon. and learned Friend had expressed, and in his estimate of the practical importance of the subject. His noble and learned Friend the Lord Chancellor had authorized him to state that his attention had been directed to that very subject, and that he had it in contemplation to embody that, as well as other points touching the practice and procedure in the Court of Chancery, in a Bill which it was his intention to lay on the table of the other House. At the same time, his noble and learned Friend did not wish to throw any impediment in the way of his hon. and learned Friend, who was so well entitled to contribute his valuable assistance upon questions with which he was so well acquainted. He thought that they would all concur in the main principles which his hon. and learned Friend had laid down—that it was of the utmost importance that every court should be, as far as possible, complete in itself, and that multiplicity of litigation should be got rid of, not merely discouraged. In the nature of things, courts of equity must be as competent to deal with questions of law as any other courts,

because all equity was founded upon law. With regard to the procedure on questions of fact, great improvements had been made. He assumed, however, that his hon. and learned Friend did not propose to deal with questions of fact in such a manner as to take away the power which courts of equity possessed of sending issues of fact to be tried at the assizes before juries, as was done by the superior courts of law themselves, when, in consequence of witnesses residing on the spot, there would be greater convenience and cheapness in so doing. It might not be improper to add that judges of great authority on many questions had actually laid it down that it was the only proper course for a court of equity to require the previous establishment of the legal right by action of law. Now, they all knew that this course had become so well-established by precedent, that it might be doubted whether judges would not feel that in departing from that usage they were exercising a discretion, which might be competent to them in the abstract, in a manner which previous precedents had shown to be improper. He also agreed with his hon. and learned Friend, that if the equity judges possessed only a discretionary power to try questions of law, they would naturally be inclined to refer them to the common law judges, from a belief that they were more in the habit of dealing with them. The legislation which his hon. and learned Friend proposed was therefore not only useful, but necessary for the purpose of cutting off a vicious course of precedents, and of delivering the courts of equity and the judges who presided in them from the fetters which that usage had imposed upon the exercise of their discretion.

MR. HADFIELD said, he wished to express his concurrence in the principle of the Bill, but it was his opinion that in the event of this Bill becoming law the common law judges should be engaged to assist in the trial of the issues of cases in equity courts, and that barristers practising at common law should be admitted to the equity courts without a breach of etiquette.

Leave given.

Bill to regulate the Procedure of the Court of Chancery, ordered to be brought in by Mr. ROLT and Sir HUGH CAIRNS.

LONDON COAL AND WINE DUTIES, &c.  
COMMITTEE.

(KENSINGTON GORE AND BAYSWATER ROAD).

London Coal and Wine Duties, &c.,  
considered in Committee.

(In the Committee.)

MR. COWPER said, he rose to move that the Chairman be directed to move the House that leave be given to bring in a Bill to amend the London Coal and Wine Duties Continuance Act, 1861, and to authorize the formation of a road between Kensington Gore and Bayswater, and to apply the proceeds of the Metropolis Improvement Fund account towards defraying the cost of the construction of such road. It was with considerable reluctance that he asked the Committee to entertain the Motion, not merely because it was always unpleasant to deal with questions of taste in Parliament, nor because the question was mixed up with parochial and metropolitan jealousies, but chiefly because the office he had the honour to hold had for one of its special duties the guardianship of the public parks. He was therefore anxious to protect them as much as he could against any interference which would diminish the recreation and enjoyment of Her Majesty's subjects. A very strong case, however, had been made out for the proposed interference with the existing state of the parks. For the last two years he had received representations that the formation of a road across Kensington Gardens from north to south was a very urgent and a very necessary metropolitan improvement. Recently he had received a deputation from the five parishes of St. George, Hanover Square, Marylebone, Paddington, Kensington, and Chelsea, showing that the want of some such road as that he now proposed was urgently felt by all the inhabitants of those parts, and representing that it was a hard case that the Park and Kensington Gardens should oppose a barrier of two miles to the passage of any carriage from north to south. He felt there was great force in the demand which had been preferred, that the Crown should allow a carriage road to be made to meet the permanent wants of that portion of the Metropolis. He spoke not of a temporary want, which might arise this year from the Exhibition, but of one of the permanent wants of London. It was obviously a great in-

convenience that in that great Metropolis so large an extent of ground should be suffered to remain impervious to passengers. That there should be a space of two miles, which could not be traversed from north to south by carriages, was an inconvenient arrangement which no one could wish to continue. The Committee must recollect that not merely did the ordinary private traffic between Paddington and Kensington Gore require accommodation, but also all the carriages going from the south to the Paddington Station, and all the vehicles coming from the north to Kensington Gore and its neighbourhood. That part of the town was rapidly developing itself. The Museum at Kensington Gore was daily thronged by all classes of the community, who found there amusement and instruction in science and art. The Horticultural Gardens were likely to attract thousands to the flower shows, and a part of the Exhibition building, then in course of erection, was intended to be permanent under the care and direction of the Society of Arts. The Committee, therefore, would see that not merely those who resided in London, but the public who came to London from all parts of England, might frequently require to resort to the latter centre of attraction by means of the road which it was proposed to form. Such a road was certainly a great public want. On the other hand, looking to the interest of the frequenters of the park, it was desirable that the road should not be allowed unless it could be made without serious detriment to the park. It was, to some extent, a conflict between beauty and utility. If they looked only to utility, the omnibuses and cabs must be allowed to take the shortest cut to where they wanted to go, even though it were across the park or gardens. On the other hand, if they looked mainly to beauty, they would keep out such unsightly objects as butchers' carts, hack cabs, omnibuses, and waggons, and reserve places of recreation for more refined objects. But in this case there was no necessity, fortunately, to choose between beauty and utility; they might be combined. He believed it possible to sink a road below the surface, which would give a direct route for travellers, with sufficient light and air, and yet not interfere in any material degree with the beauty of the landscape or the enjoyment of the pedestrians in the park or gardens. He had described



the road on the previous night, but its situation did not appear to be quite understood, as few had been on the gravel walk through the centre of Kensington Gardens, along which the road would proceed. The generality of visitors to Kensington Gardens frequented the walks on the east and west, but there were many who had never penetrated to the centre. What he proposed to make a road was now a gravel walk, about the centre of Kensington Gardens from their eastern and western boundaries. If the road were made, those who now walked on the broad gravel walk would have an opportunity of walking in either of the avenues on each side, which they would find much pleasanter, inasmuch as the avenue of trees which they would adopt was much prettier than the avenue at present in use. The road would commence at Lancaster Gate on the north, and terminate at the wrought-iron gates of Rotten Row. It was quite clear of the Serpentine, being about an eighth of a mile from it. The road would be forty feet wide at the bottom, and eighty feet wide at the top of the slopes, and supposing it were made, no pedestrian would be checked in any walk which he now took. If he desired to walk in an avenue, there would be an avenue on either side; and if he desired to cross the road, he could do so either on the level, at the present footpath, which would not be interfered with, or pass over it by means of light bridges. Although the number of crossings would be limited, ample provision would be made for the purpose. He did not believe that the noise and dust from the proposed road would have any material effect in annoying the people in the vicinity, when he considered to what a small distance the noise from the existing road, penetrated into the Gardens. Neither would the road he proposed interfere with Rotten Row or with the carriage drive, as it would pass underneath them, and in that way, from its going in a direct line, it would actually form a shorter communication from Paddington Station to the Exhibition than any other road which had been recommended as an alternative. Another road had been suggested, sunk in an open cutting, which would follow the boundary between Hyde Park and Kensington Gardens, and cross the Serpentine; but the difficulty in respect to that road was in crossing the Serpentine. A

tunnel under the river, as proposed by Mr. Page, would be very disagreeable. A new bridge close to the existing one, at a different level, would be a disfigurement; and the widening of the present bridge would probably entail not less expenditure than £20,000, provided the present appearance of that structure were preserved. He thought, therefore, that the best mode both of consulting the convenience of persons passing across northwards and southwards, and of maintaining the present features of the Park and of the Gardens, would be by the adoption of the road he now proposed. Then it had the advantage, that whatever amount of annoyance might arise from the passage of vehicles would, in the case of the middle walk in Kensington Gardens, be felt by the smallest number of persons, because that centre walk was the least-frequented part of the Gardens. On the other hand, the boundary walk between Kensington Gardens and Hyde Park was the most used, and if they brought a large number of carriages and omnibuses immediately into contiguity with that walk, they would expose the largest number of persons to whatever inconvenience would arise from noise and dust.

The Bill would provide that the new road should be made by the Metropolitan Board of Works, and that the money should be drawn from the proceeds of the penny coal duty, which had been invested since 1859 in Consols, in the names of the Commissioners of Her Majesty's Works. By an Act of the 8 & 9 *Vict.* that money was directed to be invested for the purpose of being afterwards applied to some metropolitan improvement, as Parliament might direct; and it was for Parliament to decide whether the proposed purpose was the best to which that sum of £34,000 could be appropriated. It was intended for a metropolitan improvement, and he proposed the construction of the road he had described as a metropolitan improvement. The proposition had received the sanction of a very considerable number of the representatives of the metropolis. [Sir JOHN SHELLEY: What representatives?] Those who represented the metropolis in this matter were the vestries, although the hon. Gentleman who interrupted him thought that the metropolitan members in that House were only to be listened to. No doubt there were conflicting interests and rival claims for the appropriation of the fund, and he

should be prepared to see the majority of the metropolitan members opposed to any proposal that might be made. If it was proposed to spend the money in the East of London, he should expect to see the north, south, and west opposed to the step. The question for the Committee to decide was, whether the proposed road was the most desirable and useful improvement that could be made? He believed it was. It was said that, the road being a special improvement to the district of Paddington and the parishes of Chelsea and Kensington, the expense should be defrayed by them. He should be glad if they could be induced to take on themselves the burden; but there might be difficulty in their agreeing to a voluntary rate: the eastern portion of Paddington, for instance, might urge that they were not so much benefited as the western parts of that parish. Neither had the parishes the power to apply their funds to such a purpose without a special Act, and that could not be obtained in time to be of service that year. The Metropolitan Board of Works had considered whether it would be right to take the money for the road out of the rates they had the power of levying, and had determined not to exercise their power in this way; and therefore, practically, the question whether or not there was to be such a permanent road depended upon the view which the Committee might take on the proposal for devoting the sum he had mentioned as arising from the penny coal duty to the purpose. As officially charged with the management of Hyde Park, he had no desire for this road. Looking only to the interests of those who enjoyed and frequented the park, he might say that they could do very well without any road of the kind; but if the advantage of direct communication were to be considered, it was an improvement that ought to be made. The Bill gave authority to the Metropolitan Board of Works to make the road, and empowered the Commissioners of Works to defray the expense. It had been stated that in reference to the convenience of visitors to the Great Exhibition—which was a matter of paramount importance in the minds of many—the road could not be made in time to provide the accommodation temporarily requisite this year. It would no doubt be economical to combine a permanent road with the access

wanted for a few months to the Exhibition. The question having been raised on a former evening as to the time in which the road could be made, it was in his power to state that engineers of the highest authority had declared that such a road could be completed in a period of two months. He was also prepared to say that a contractor, who performed work on a very large scale, would undertake to execute it in three months, on condition of not receiving one farthing of remuneration if he did not at the end of that period deliver up the road in a complete and perfect state. If the Bill which he proposed had been received with the favour which he had anticipated, and if it had been allowed to pass rapidly, the road could have been completed by the time when the greater number of persons would begin to flock to the Exhibition—namely, the 1st of June. But his anticipations with respect to the reception of the Bill had certainly not been confirmed. On the contrary, instead of a desire to hasten on the progress of the Bill, intentions had been manifested to obstruct and retard it. What was not a usual proceeding, advantage was taken of a thin House the other night to force on a division, and thereby to delay its progress for four days. If, on the introduction of the Bill, the forms of the House were taken advantage of for the purpose of retarding the passing of the Bill, it was impossible that it could become law in time to enable the contractor to have the road completed before the opening of the Exhibition. To guard against such a contingency, he had introduced into the Bill a provision for the making of a temporary road, and he should wish to have the opinion of the Committee whether they desired it to be of a permanent or simply of a temporary character. That there ought to be some means of access across the park to the Exhibition was, he supposed, a proposition which nobody was prepared to dispute; but the point which he wished to have decided was, whether the inhabitants of the Metropolis were to have a road constructed by means of the coal duties? The proceeds of those duties constituted a sum invested in the name of the Commissioners of Works, and if not applied to the purpose which he proposed, they would be soon devoted to the accomplishment of some other metropolitan improvement. The question, therefore, was, were these coal duties to be



appropriated to the construction of a permanent roadway across Hyde Park or not? In any event, there would, he trusted, be a temporary road, which might be made, indeed not for the sum mentioned by the Member for Finsbury on a previous evening, but for a moderate amount. It was true that such a road might be to some extent inconvenient; but still those who used the park as pedestrians, or Rotten Row as riders on horseback, were willing to submit to the inconvenience in consideration of the great public object of having a northern access to the Exhibition. He might add that, being once strongly urged by many persons connected with the Metropolis to aid them in carrying out the project of a permanent roadway, he had deemed it to be his duty to bring forward the present measure; but, of course, if the view which he had indicated with regard to the construction of such a work were not carried out, he, as being officially charged with the custody of the parks, would have no reason to complain, although he was of opinion that the Metropolis would suffer very considerably, owing to the want of what he believed would be a most useful line of communication—a line of communication, moreover, which might be made available when the gates of the park were necessarily closed, inasmuch, as it would be lighted by gas, and watched by the police. There might be other roads which it would be desirable to improve and enlarge, but no line of communication could, he thought, be constructed so really useful as that which he proposed.

Motion made, and Question proposed,

“That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the London Coal and Wine Duties Continuance Act, 1861, and to authorize the formation of a Road between Kensington Gore and Bayswater, and to apply the proceeds of the Metropolis Improvement Fund Account towards defraying the cost of the construction of such Road.”

MR. AYRTON said, he was anxious to have some further information on the subject of the road proposed than the right hon. Gentleman had afforded. He had not, for instance, told the Committee what kind of road it was intended to construct, or given any explanations as to the height of the proposed bridges or the depth of the cuttings. It was true that on a previous evening he had been understood to say that the road would be some feet below the level of the parks, and that it

was intended to be crossed by bridges wherever it divided the pathway in Kensington Gardens. He begged, however, to remind the right hon. Gentleman that the Act of Parliament by which the construction of bridges over roads was regulated, required that there should be a headway of sixteen feet; and if to that the length necessary for the construction of the arch were added, it would be found that, from the surface of Rotten Row to the surface of the proposed road would be about eighteen or twenty feet. According to the proposal of the right hon. Gentleman, the bridges would be somewhat similar to those on the well-known willow-pattern china. Now, he (Mr. Ayrton) would like to be informed whether it was intended that there should be a slope at an angle of forty-five degrees in the park, because, if so, he thought it would be most dangerous in connection with a line of communication described as likely to be one of the most frequented in London? He would further ask the right hon. Gentleman whether he contemplated having two lines of iron railings on each side of the park; because, if so, Kensington Gardens would be as completely divided into two parts as if the Bayswater Road at the present time lay between the divisions of the park?

MR. COWPER replied, that the engineers whom he had consulted on the subject by no means proposed to construct the antiquated and absurd description of bridge to which the hon. Gentleman had alluded, but to employ flat iron girders to span the arches. Neither was it intended to have so large a headway as had been mentioned; it was quite open to the engineer to carry the road as low as he might think necessary, in order to clear the upper surface. Looking at the plans and sections, he had every reason to believe that 10½ feet would be a sufficient depression, and certainly the bridge at Rotten Row would not be above that level. The bridges in Kensington Gardens would be slightly raised, but they would be very light, and would not be so arranged as not to divide the gardens, as the hon. Gentleman supposed, into two parts. For his own part, he did not see how it could fairly be contended that such would be the result, when persons might cross the road in six or seven places within the distance of half a mile. The slope to which the hon. Gentleman referred would not be at an angle of forty-five degrees, it being proposed that it should be supported

by a retaining wall of four feet in height, while there would be a fence, not at the top, so as to obstruct the view in the park, but a short distance down the slope, where it would be amply sufficient to protect the promenaders and children from danger.

SIR JOHN SHELLEY said, that he had opposed the Motion of the right hon. Gentleman the other night, because he thought that a question of such importance and interest should not be discussed in a House consisting only of about twenty-five members. It was usual to allow a Bill to be brought in without opposition, that the House might be enabled to form an opinion as to its merits or demerits; but his right hon. Friend had given so full a description of his measure that there was nothing more to learn concerning it, and upon his description the metropolitan Members were satisfied that there was no cause for allowing the Bill to proceed. He thought it much better that it should be at once understood that the Bill would not be allowed to go on, in order that other arrangements might be made for the accommodation of the traffic to and from the forthcoming Exhibition. He (Sir John Shelley) thought that the right hon. Gentleman had rather shirked one part of the question which he brought before the House the other night, and that was as to the source from which the funds for the construction of the proposed road were to be obtained. The right hon. Gentleman had told the House fairly enough the other night that it was by an oversight that the sum of £32,000 was not included in the Act of last Session appropriating the proceeds of the coal tax to the Thames Embankment, and that he thought the money might now be employed in the construction of the road. He (Sir John Shelley) did not believe there was any difference of opinion as to the great advantage that would accrue to both Kensington and Paddington from a road running between them, and he believed that both localities, if they were empowered by law to do so, would readily contribute towards so great an improvement. The Metropolitan Board of Works, which was intrusted with the funds of the metropolis at large, would likewise be perfectly justified in voting a sum of money for such a purpose. But the real question now before the Committee was, whether the plan proposed by the First Commissioner of Public Works was the one best calculated to accomplish the object which all desired to attain? He was anxious, if the

present proposal were regarded in the light of a permanent metropolitan improvement, that the Exhibition should be put altogether out of sight, and that the matter should be carefully considered before any plan was decided upon. If, on the other hand, it was to apply only to the Exhibition, he thought there were already roads sufficient for all the purposes of traffic, if they were only made use of. At the time of the last Exhibition nobody was inconvenienced by the traffic being allowed to pass in front of the Knightsbridge Barracks; and he (Sir John Shelley) was persuaded, that if the right hon. Gentleman were to throw open the Marble Arch and the other gates of Hyde Park to cabs and other vehicles, of course under proper restrictions, it would be found that the existing roads would afford better access to the Exhibition at Brompton than there had been to that in Hyde Park. Under all the circumstances, he thought that the best and most straightforward course for the Committee to adopt would be to tell the Government at once that the Bill was a mistake; that they had no right to lay their hands upon money which the House intended to appropriate to the Thames Embankment; and that if they wanted to improve the approaches to the Exhibition, they had nothing more to do than to throw open Hyde Park for traffic as they had done in 1851.

VISCOUNT PALMERSTON: I so far agree with the hon. Baronet who has just spoken that I think the matter before the Committee has been pretty fully explained by my right hon. Friend, and that, as the Committee is tolerably full, we may as well come to a decision upon it now as wait for the second reading. No more information can be derived from a perusal of the Bill than has already been given by my right hon. Friend in his opening speech. This really is a question in which the Government have no particular interest. It relates mainly to the convenience of the metropolis. Everybody must admit that there is a great want of communication between that great mass of town which lies to the north of Hyde Park and Kensington Gardens and the huge city, as I may truly call it, which is growing up in the south. There are two questions—how and in what direction that communication is to be made, and who is to pay for it. My right hon. Friend has proposed a direction which is the shortest



and most central, and which is therefore the most convenient to those who have occasion to pass from one side to the other. Some persons may think that a sunken road is not so good as a road upon the level. That is a matter of opinion. A road upon the level may be less convenient to those who use the Park and Gardens, while such a road may be favoured by those who use the road only. It is a balance of convenience between two classes of persons, and the question may fitly be reserved for future consideration. Then, with respect to the funds, some people say that the parishes ought to supply the money. Recollect, however, that a parish is bounded by an arbitrary line; and why are persons living in particular streets which are contained within the parochial limits to pay, while others, who live a few streets off, and who are not less likely to make use of the road, are exempted? A proposal to collect tolls from all who should use the road would, at least, be intelligible; but I cannot see the justice of calling upon people to pay for the construction of a road which they may never use, merely because they happen to live in a parish which adjoins the place through which the road is to pass. Whatever may be the fate of this Bill, and whatever may be thought of the proposal for a permanent road, I think we must all agree that some additional communication ought to be made with a view to the Exhibition. My hon. Friend who spoke last said it would be enough if we were to allow a passage through the Marble Arch and down the road which is parallel to Park Lane.

SIR JOHN SHELLEY: And through all the other gates in the Park.

VISCOUNT PALMERSTON: But all the traffic passing through those gates must come round by Hyde Park Corner; and what, I ask, would you gain when you got to the Marble Arch by coming down through the Park instead of along Park Lane? The only advantage would be, that you would avoid, perhaps, some obstruction in the narrow part of Park Lane. You would, however, make no saving in point of distance, which is the very object sought to be attained. However, I shall not go further into that matter; but I shall be glad to have the opinion of the Committee upon the question of a permanent road, and

I think it will be better to take it now than to wait until the second reading. The question is a very simple one. Here is a communication wanted which would be a great advantage and convenience to the metropolis at large; and here is a fund not now applicable to any other purpose, which cannot be used except under the authority of an Act of Parliament, and which we ask Parliament to devote to what is admitted to be a public improvement.

LORD JOHN MANNERS said, he believed that the difficulty in which the First Commissioner of Works found himself placed at that moment was mainly owing to his having confused the duties of his office with others which did not belong to him, and he trusted that the result of that unfortunate Bill would be, that the right hon. Gentleman would for the future confine himself to the discharge of his important public functions. The right hon. Gentleman had distinctly stated that, as guardian of the Royal Parks, he had serious objections to the proposed road, but that in his private capacity, looking at the road as a great metropolitan improvement, he thought it ought to be made. Let the Committee support the right hon. Gentleman in the performance of the special duties of his office. It was as a metropolitan improvement, however, that the right hon. Gentleman wished them to support him in making this road. But that was precisely the function which the right hon. Gentleman was not called on to discharge; and if he would only leave it to the proper authorities to carry out metropolitan improvements, he would greatly facilitate the discharge of his own important duties, and spare the House a great many unsatisfactory discussions. The right hon. Gentleman had found a supporter in the noble Lord at the head of the Government, who sometimes assumed the whole management of the Office of Works on his own shoulders. That noble Lord said they were called on to say aye or no to a great metropolitan improvement. Well, but great metropolitan improvements had been by Act of Parliament delegated to another body. If, then, the proposed road were a great metropolitan improvement, it was for the Metropolitan Board of Works to decide whether it should be carried out. No doubt a great metropolitan improvement might be carried into one of the Royal Parks, and in that case the right hon. Gentleman would

be bound to see that no damage was done to them. But there was a broad and distinct line of demarcation between the duties of the Metropolitan Board of Works and those of the right hon. Gentleman, which ought not to be transgressed in the manner in which the right hon. Gentleman had attempted on that occasion. They now understood that the Government, seeing the temper of the House, were not anxious to persevere with one portion of this embryo Bill, which dealt with metropolitan improvements, but they were still anxious that the Committee should enable them to form a temporary road. The noble Lord asked why the parishes should pay for the road? The answer was, that the law of the land required the parishes to make and maintain the roads. But was it necessary that any temporary communication should be provided? The suggestion of the hon. Baronet the Member for Westminster (Sir John Shelley) was founded in good sense and upon fact. The majority of hon. Members would recollect what had happened at the Exhibition of 1851. He believed there was no great likelihood of greater multitudes coming to the Exhibition of 1862 than came in 1851, and it was quite probable that the roads which were sufficient then would be sufficient in 1862. But, admitting that some increase of accommodation were necessary, why proceed by Bill? It was enough, if the outlay of a few hundreds was necessary, to lay the estimate on the table, take a vote for the amount, and the thing was done. If the proposal to make that objectionable road was considered in the light of a permanent metropolitan improvement, he should join the metropolitan Members in opposing it; and he sincerely trusted that would be the last time great metropolitan improvements were undertaken by the First Commissioner of Works.

LORD FERMOY said, that he believed the right hon. Gentleman to be one of those men who were more formidable to his friends than to his enemies. He (Lord Fermoy) had been one of the colleagues of the right hon. Gentleman in endeavouring to get a road made across the park, but even those who were most anxious for such a communication, were quite opposed to his engineering crotchet, which, indeed, was distasteful to everybody but to some few individuals in his own office. The right hon. Gentleman hazarded the very principle of carrying a

*Lord John Manners*

road from north to south across the park by adhering with intense obstinacy to a plan of his own. His plan would sever Kensington Gardens into two, and that he, for one, could never consent to. He quite concurred with the noble Lord who spoke last, that this engineering crotchet did not exactly come within the province of the right hon. Gentleman. He much preferred that the suggestion of the hon. Baronet the member for Finsbury should be adopted. He (Lord Fermoy) complained that the right hon. Gentleman had so placed his Bill before the Committee as to force those who disliked it to vote against the introduction of the Bill. He was not, however, prepared to go that length, believing that in committee it might be competent to introduce a clause to prevent the cutting up of Kensington Gardens; but if it was to be supposed that by voting for the introduction of the Bill the House was committed to the plan of the right hon. Gentleman, he for one could not support it.

MR. BANKS STANHOPE said, that he strongly objected to the formation of a permanent road across Kensington Gardens. There was scarcely a feature in the metropolis worthy the notice of foreigners except the parks and those gardens, and he could never consent to sacrifice them merely to promote the success of the present Bill. A temporary road might, if necessary, be made along the west side of Rotten Row, which would simply cause slight temporary inconvenience to equestrians. The right hon. Gentleman had not answered the question raised by the hon. Member for the Tower Hamlets (Mr. Ayrton). That was not a matter merely affecting the interests of Tyburnia or Belgravia, but was one of national importance. He wished to know whether the Bill was intended for the making of a permanent or a temporary road, or whether the two were to be combined in it?

MR. COWPER said, that after the appeal made to him by the noble Lord the member for Marylebone, he (Mr. Cowper) felt himself very much in the position of the camel whose back was broken by the last feather. In the quarter from which he had expected staunch support he had met with strong opposition. Seeing that the feeling of the Committee was so decidedly against a permanent road, he should only be wasting time by persevering with the Bill. But before the Chairman left the chair, he wished to make one



observation on what had fallen from the noble Lord opposite (Lord John Manners). The noble Lord had said that he had got into that scrape by going beyond his province. He must take the liberty of reminding the noble Lord that it was quite within his province to propose a Bill relating to the Royal property. The noble Lord had spoken as if the Metropolitan Board of Works had jurisdiction in the Royal Parks; but he must have been aware that that Board would have no right to introduce a Bill to affect those parks, or to make any road beyond its own jurisdiction. As far, however, as the opinion of the Metropolitan Board of Works went, he begged to inform the noble Lord that he had received a vote of thanks from that body with reference to this measure. Therefore, as far as that Board represented the Metropolis, he should have expected the cordial support of the Metropolis to the Bill. But he found that different views were taken by the Metropolitan Board of Works and by the metropolitan Members of that House, and he felt that he could not do better than withdraw his Motion. He would, however, provide for the other branch of the subject—namely, the arrangements to be made for the temporary passage of vehicles to the Exhibition, by proposing an Estimate for that purpose. He thought the hon. Baronet the Member for Finsbury had taken a very sanguine view as to the expense of such a work, but still its cost would be moderate.

Motion, by leave, *withdrawn*.

House resumed.

House adjourned at a quarter  
before Eleven o'clock.

## HOUSE OF COMMONS,

Wednesday, February 26, 1862.

MINUTES.]—PUBLIC BILLS.—2<sup>o</sup> Metropolis Local Management Acts Amendment; Trade Marks.  
3<sup>o</sup> Qualification for Offices Abolition.

### WHIPPING BILL.—SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,  
“That the Bill be now read a second time.”

SIR GEORGE GREY said, he had

thought it his duty to communicate with the hon. Gentleman who had charge of the Bill, and point out the objections which he entertained to his measure. The hon. Gentleman had two objects in view by his Bill. One was to take away from the visiting justices the power they possessed under the existing law of inflicting corporal punishment upon refractory prisoners after due inquiry upon oath. The other object was to require that in every case where juvenile offenders were sentenced to corporal punishment, the number of strokes, and the instrument with which they were to be inflicted, should be specified in the sentence. Now he (Sir George Grey) regarded the first proposal as very objectionable, though the hon. Gentleman had sufficient grounds for calling the attention of the House to the subject. Although in convict prisons there were regulations as to the infliction of corporal punishment upon refractory prisoners, no such rules existed in ordinary gaols. The attention of the prison inspectors had, however, been called to the subject, and they were now drawing up regulations which would be promulgated under the authority of the Secretary of State. It would, in his opinion, be undesirable and unsafe to take away the power of inflicting corporal punishment on prisoners guilty of numerous offences against discipline, and of repeated acts of insubordination; and he thought that the object desired would be better attained by these rules than by legislation. In reference to the second object of the hon. Gentleman's Bill, the House was aware that in the Acts for consolidating the criminal law last Session, it was provided that in sentences of corporal punishment the instrument by which the punishment was inflicted, and the number of strokes given, should be specified. Those Consolidation Acts, however, did not include the Acts relating to juvenile offenders. He (Sir George Grey) thought that both should be put on the same footing. That, however, would not be efficaciously done by the Bill before the House, as it only referred to one Act on the subject of juvenile offenders, whereas there were other cases not included in that Act which ought to be provided for. He would, therefore, suggest to the hon. Gentleman the withdrawal of the Bill, and he (Sir George Grey) would undertake to assist him in framing a new measure.

MR. HADFIELD said, he was exceedingly obliged to the right hon. Baronet for

his suggestion to which he would willingly accede. He would, however, remark that whilst in twenty-two counties of England and Wales no flogging was inflicted by order of the visiting justices, in Manchester the flogging was enormous. That was also the case in Liverpool. During three years it appeared from the return 1,746 boys had been flogged in those places. One boy of tender age had received twenty strokes for stealing an orange, and others had been punished in a similar manner for stealing apples and buns. He confessed that on going through the list he was perfectly horrified. At Wakefield, the visiting justices of prisons never inflicted corporal punishment at all. It was not punishing crime when they flogged children under fourteen years of age for stealing a trifling article—it was punishing poverty. It was the children of the poor who were punished, but they never heard of the children of the rich being punished for stealing an orange. Such punishments were inconsistent with the spirit of an age in which they had 350,000 Sunday-school teachers, teaching 3,000,000 of children, and, as he was proud to say, without a single stroke of the cat.

MR. SOTHERON ESTCOURT said, he thought that the hon. Gentleman opposite had acted prudently in assenting to the proposition of the right hon. Gentleman the Home Secretary, and he would have acted more prudently had he done so without making a speech. He could assure the hon. Gentleman, from his personal experience, that what he stated with regard to children of the rich and poor was not true. He (Mr. Sotheron Estcourt) was the son of what was called a rich man, and he had certainly undergone that castigation. He thought that the hon. Gentleman hardly did justice very often to his real character, which he believed was one of kindness and consideration; and he (Mr. Sotheron Estcourt) must assure him that observations which drew a distinction in regard to the proceedings in social life between rich and poor very often offended those whom he did not intend to offend, and presented a picture of our society which was not, according to his (Mr. Sotheron Estcourt's) experience, conformable to the true state of things.

MR. KINNAIRD said, he also thought the Member for Sheffield (Mr. Hadfield) had acted judiciously in adopting the suggestion of the Secretary of State; but that he would have done better to omit the

latter part of his speech with reference to the different treatment of the children of the rich and poor. He (Mr. Kinnaird) could assure the hon. Member that at all public schools any conduct of the kind to which he had alluded would be visited with a severe corporal castigation.

MR. MITFORD said, he felt that if the first clause of the Bill were passed into a law, we might as well shut up our prisons, as discipline could not be maintained. To the second clause he had not so strong an objection; but he considered that the surgeon who saw the boy stripped, was a better judge of the amount of punishment he could bear than the magistrate who merely saw him at a distance in the dock.

MR. DEEDES said, he thought that before the House was again called upon to legislate on the subject, the regulations which, as had been stated by the right hon. Baronet the Secretary of State for the Home Department, the inspectors were drawing up, should be laid before the House.

SIR GEORGE GREY explained, that those regulations would not apply to the subject of the Bill, the introduction of which he had recommended.

MR. STANLEY said, that in moving for returns on the subject two years before, he first directed the attention of the House to a very great abuse. He thought, however, that the regulations about to be introduced by the Secretary of State would prevent the recurrence of what was a disgrace to the country.

MR. HENLEY said, he was glad to find that the Secretary of State had taken the matter up. He was horrified to see in a recent return that a child under ten years of age had been ordered to be flogged with a cat, and another to receive fifty strokes with a birch rod—sufficient, if they were real strokes, to cut the child in halves. He thought the time had come when these practices should be put under some regulation. If they did not, the effect would be to set people against a punishment which, under due reserve, might prove a salutary means of punishment. He did not think that the power of inflicting corporal punishment upon refractory criminals in gaol could be advantageously taken away, for there were some men who could be reached in no other way. At the same time, he believed that in well managed prisons there were few cases in which it would be requisite to inflict it. He rejoiced to hear that the Secretary of State proposed to



put the exercise of the power under regulation.

SIR FREDERIC SMITH said, that the result of a long experience in the army convinced him that the lash did very little good. He had been for ten years in command of a regiment, and during that period not a man had been flogged. The return of cases in which the lash had been inflicted had filled him with perfect horror. It mentioned one case of a child of three years of age being flogged with a birch rod, but he trusted that was a mistake. In some counties there was no punishment of that kind. In Cumberland, for instance, the lash had not been inflicted in the course of three years, during which time in Lancashire 8,479 lashes had been inflicted.

SIR BALDWIN LEIGHTON said, that it might appear harsh to inflict severe corporal punishment upon young children for trivial offences; but in these cases it frequently happened that the child had previously a bad character, and it was for that, as well as the particular offence with which he was charged that the punishment was inflicted.

MR. BLACK said, he considered that in most cases where there was whipping there ought to be no imprisonment. If boys convicted of trivial offences had a slight castigation at the police station, and were then sent home, it would be far better than by sending them to prison to diminish the terrors of the gaol.

MR. HENNESSY said, he would recommend his hon. Friend to bring forward a Bill for the total abolition of whipping. Individually, he had no personal experience of the subject. It had been stated over and over again that prison discipline was more perfect in Ireland than anywhere, and in Ireland flogging was almost unknown. Something had been said about flogging in schools. Since last Session, a poor boy had been flogged to death by a schoolmaster, and he thought the House might fairly consider whether flogging should not be altogether abolished.

MR. HUNT said, there was a general impression that the case referred to by his hon. and gallant Friend the Member for Chatham (Sir Frederic Smith) of a child three years old, which had been whipped with a birch, was attributable to a misprint, and hoped that means would be taken to ascertain how the fact really stood. He was glad to find that in the gaol of the county which he represented the returns

showed that no corporal punishment had been inflicted.

MR. BRISCOE said, the opinion expressed by the hon. Member for Sheffield deserved the support of every friend of enlightened legislation. In the course of an experience of forty years as a magistrate he had never witnessed a case in which corporal punishment was expedient or necessary. Its infliction so degraded the recipient that any hope of subsequent amendment or reformation was out of the question.

MR. HADFIELD said, he wished to explain that the case referred to by the hon. Baronet opposite appeared to be a first offence.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

#### METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

##### SECOND READING.

Order for Second Reading read.

MR. TITE said, he rose to move the second reading of the Bill. It was precisely the same as one which had been passed by the House at the close of last Session too late to be proceeded with in the other House. A Bill similar in most respects was originally introduced in 1860, and referred to a Select Committee, which sat fifteen days. The delay thus occasioned prevented the measure from passing that Session, and last year it encountered considerable opposition because it was accompanied by another Bill, known as No. 2 Bill, which was not now before the House. After the very full discussion which the subject had undergone, he trusted there would be no objection to the second reading.

MR. CRAWFORD said, he did not intend to offer any opposition to the Bill. It affected very materially the interests of his constituents, and to some of its provisions they entertained considerable objections, especially to the part giving to the Metropolitan Board of Works powers inconsistent with the privileges of the City of London. He was not disposed to give formal notice that the Bill should again be referred to a Select Committee, but he hoped that the House would have a fair opportunity of considering its provisions, and for that reason that the hon. Member would name a distant day for the Committee.

MR. LOCKE said, he was much pleased to find that silence had been broken and that the Corporation of London were disposed to oppose the Bill. In former years they had taken no steps in the matter. That change of policy he attributed to the feud which had recently sprung up between the Corporation and the Metropolitan Board of Works on the subject of the Sale of Gas Bill. The cause of the feud was an opinion given by the Attorney General that the Metropolitan Board of Works had the right to appoint inspectors of gas meters in the city. The House might imagine the commotion that opinion had created in the city. The Corporation obtained another opinion to the contrary, and a combat was now going on between these bodies for which the ratepayers would have to pay. Such was the result of establishing antagonistic bodies in the Metropolis. Still, though his hon. Friend the Member for London (Mr. Crawford) was hardly actuated by first-rate motives, he was glad that he had risen, and he expected him to conclude by moving that the Bill be referred to a Select Committee. [Mr. CRAWFORD: I said I would not.] True, his hon. Friend had said so that morning; but the previous day he learnt that it was his intention to conclude with a Motion. [Mr. CRAWFORD: Not at all.] Then he must have misunderstood the hon. Gentleman. He must say, however, that he thought it would be better if these two great bodies—the Metropolitan Board of Works and the Corporation of the City, would both pay rather more attention to the interests of a third body, whom he hoped the House would protect—he meant the inhabitants of the Metropolis. It was true that the Bill had passed that House last Session, but when it reached the House of Lords, they insisted on sending it to a Select Committee, and that was the reason it was not proceeded with. The Bill conferred extensive additional powers upon the Metropolitan Board of Works, and he could not therefore admit that the fact of its having passed last Session was a reason for its passing again. Moreover, it was certain that since the Bill passed through the House last year, a circumstance had taken place which altered the position of the whole question. In the last Session a Committee of that House had inquired into the local taxation of the Metropolis, and it was clear that if the House thought the recommendations of their Committees

*Mr. Crawford*

were to be treated with any respect, they could not pass the measure without further consideration; for that Committee reported that the constitution of the Metropolitan Board of Works was defective, and that its mode of election was opposed to sound principles of representation. They were not elected by those they taxed. They were elected by the vestries; the members of which were originally selected with very little care, because nobody cared much who were vestrymen. It was, indeed, said by some of the witnesses last year that direct election would produce no better representatives in the Metropolitan Board of Works. No one said that they would have worse; while they had a great deal of positive evidence that many eligible persons who were not willing to become vestrymen would be quite ready to serve on the Metropolitan Board if they could so without passing through the vestry. Accordingly, the Committee of last Session recommended that the election of members of the Board should in future be direct, instead of being as at present a mere distillation from the vestries. It was evident, therefore, that with such a radical change impending over the Board, the Bill could not be allowed to pass as a matter of course. Unless some intimation were given by hon. Members having charge of the Bill that they were prepared to recognise and give practical effect to the recommendations of last year's Committee, he should feel bound to oppose the second reading. The first clause of the Bill re-adjusted the rating to the extent of upwards of £50,000. How could the hon. Member for Bath undertake to say that the inhabitants would be satisfied to bear a higher taxation than they had hitherto paid, for the benefit of particular parishes in which money had been expended? The Bill was said to be the same Bill that was passed last year *totidem verbis*. [Mr. TITE: Word for word.] His hon. Friend must have taken his information at second hand. He could not have read it from beginning to end himself; that would be too great a labour to impose on one man; but it could be performed by a Select Committee. He trusted it would not be hurried through the House, but that the House would treat the Bill as they would any other Bill. He regretted that the hon. Gentleman the Member for the City of London had not come forward to propose what the



city long promised, that it should cast its ægis over the entire Metropolis. The city ought, in fact, as in ancient times, to comprise the whole Metropolis, and then the great funds at the disposal of the city would be applied for the benefit of the many, instead of being frittered away in petty squabbling.

MR. BRISTOW said, he was at a loss to understand how further time could be wanted for the consideration of a Bill which had been brought in from year to year, which had passed the ordeal of a Select Committee, and which had afterwards been carried through all its stages in the House of Commons. The Bill went up last Session to the House of Lords, and the only reason it did not pass was, that it reached that House after the time fixed for second readings. To refer it again to a Select Committee would be, in fact, to throw it over for the Session. He was therefore strongly opposed to any such suggestion. The alleged quarrel between the Metropolitan Board of Works and the City only existed in the fertile imagination of the hon. Member for Southwark. Certain duties were imposed upon the Board of Works by statute, which they carried out quietly and steadily, and although questions had of course arisen requiring solution in the usual manner, they did not interfere with the City nor did the City interfere with them. To suppose that they were influenced by any feeling against the City of London was only one of the peculiar idiosyncrasies in which the hon. Member indulged. The Bill had been introduced exactly in the same state as it passed the Commons last year. The Board had not thought it proper to include any provision as to the mode of election, because such provision was not in the Bill of last year; but it was quite open to any hon. Member to bring up a clause upon that subject.

SIR JOHN SHELLEY said, he hoped that no opposition would be made to the second reading of the Bill. It was true the Committee recommended that the Metropolitan Board should be directly elected instead of being sifted through the vestries, and he was himself anxious that the basis of the Board should be extended, but the best machinery for doing that could be discussed when the Bill went into Committee. With regard to metropolitan improvements, he would bring up a clause empowering particular localities to tax themselves for improvements within those

localities; but with the sanction of the Metropolitan Board, who might contribute to the expense. The Bill would work well, and he should be sorry to see any difficulty thrown in the way of the second reading. He was in favour of direct election, as he believed it would have a more beneficial effect in regard to the feeling which the Metropolis at large entertained towards the Board, but at the same time he thought the Metropolis was much indebted to the members of it for their services, which were gratuitously given.

MR. AYRTON said, that two or three years previously, when the Metropolitan Board of Works asked for increased powers, he contended that they did not enjoy the confidence either of the inhabitants of the Metropolis or of the House, and moved for the appointment of a Committee to inquire into the local government of the Metropolis. The result of that Committee must have satisfied the House that the position he affirmed was well founded. The Committee unanimously recommended that it was desirable that the constitution of the Board should be changed, by substituting for the present imperfect and novel mode of election, that which was well understood and generally prevalent throughout the country. The noble Lord who established the Board thought that a better selection would be obtained if the members were elected by the vestries, but no one was now more grievously disappointed than the noble Lord himself as to the result. It was generally admitted that the sooner they got rid of the present system of election the better, and therefore it was his intention to propose a mode of election in conformity with the recommendation of the Committee. He regretted that the Board had not introduced a clause into their own Bill to alter the mode of election. Perhaps they had felt some delicacy about destroying themselves. He had not introduced any Bill for that purpose, as he preferred to extend to them the Asiatic politeness, which allowed a criminal the option of suicide before ordering his execution. He proposed also to give them a large power of relegating certain parts of their duties to Committees—a system which was found to work exceedingly well in the Corporation of the City of London, which, in its constitution, was the best corporation of England. He regretted that its benefits were not extended to the whole Metropolis, but gentlemen within the walls of

the City were desirous of keeping the advantages of the corporation to themselves, and therefore all that could be done was to copy what was good in the Corporation of the City. It were much to be regretted that the House should be turned into a vestry to consider questions such as might be disposed of by a properly constituted municipality. Of that they had a painful example on the previous night. He hoped that the proposals he intended to introduce would not be opposed.

Mr. COX said, he hoped the hon. Member for Southwark would not persist in opposing the second reading, though he was inclined to think that the Bill ought to be sent to a Select Committee, not for what it contained, but for what it omitted. There were other omissions in the Bill besides that as to elections, and he wished to suggest some alterations in order to get rid of certain anomalies with respect to the division of wards and the number of vestrymen allotted to them, as well as to the mode of compound rating, which shut out many voters. He also thought there was no necessity for any qualification on the part of vestrymen beyond that of being a rated inhabitant, especially as the qualification of Members of Parliament had been abolished, and as the Members of the Metropolitan Board of Works themselves were not required to have any qualification. These points might all be considered in a Select Committee.

SIR GEORGE GREY said, that it was impossible to lose sight of the fact, that the Bill was substantially the same as the Bill that passed through a Committee of the whole House last Session, was read a third time, and sent up to the House of Lords, but was not considered there owing to the late period at which the Bill went up. The only question of importance raised in the discussion was with regard to the constitution of the Metropolitan Board of Works, and the hon. Member for the Tower Hamlets had given notice of his intention to propose certain clauses in Committee. Surely that was a subject which the House ought to entertain as a whole, and ought not to refer to a Select Committee. He (Sir George Grey) thought that the Metropolitan Board of Works had not been fairly treated with regard to the recommendation of the Committee of the last Session, as it was assumed that the Committee had condemned the constitution of the Board, and questioned their competency to discharge their duties. What the Committee really

said was, that the tendency of the evidence led them to the conclusion, that while the Board, as at present constituted, was fully competent to discharge the duties imposed upon it, greater authority would attach to its deliberations if its Members were elected directly by the ratepayers of the Metropolis. Certainly, the recommendation of the Committee was not expressed in terms which could be cited as the slightest objection to the passing of the Bill.

Bill read 2<sup>o</sup>, and committed for Wednesday, 19th March.

#### CONVEYANCE OF VOTERS BILL.

##### SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. CAVE said: Sir, I feel bound to object to this measure. Its provisions are of so penal a nature, I may say, as regards my own and similar constituencies, practically disfranchising as it does, without a cause, large numbers who have hitherto freely and fairly exercised the right of returning Members to Parliament, that I should not be doing my duty did I not come forward as prominently as possible to oppose it. I fully admit the evils and abuses which this Bill is intended to meet. I am willing to allow that the man who refuses to walk to a polling-booth half as far as he walks every day to his work or his dinner is not worthy of the consideration of this House. I should be quite willing that the cabmen's saturnalia in Marylebone and Finsbury should come to an end. But it seems to me that the hon. and learned Member, in his zeal against this abuse, would punish the innocent with the guilty; that he confounds towns with boroughs. What may be perfectly right and just with regard to a town of small area, where every man may, by a little exertion, record his vote—during his dinner-hour, for instance—without expense or loss of time, tells very differently in the case of a large rural borough, where many voters live half a day's journey from the poll, to which it is physically impossible for them to go without assistance. Many hon. Members will, I am sure, bear me out in this; and as my own borough is a remarkable case in point, I will give a few particulars for the purpose of illustrating my position. The borough of New Shoreham, which is co-extensive with that division of Sussex called the Rape of Bramber, is 24 miles long in the longest, and

*Mr. Ayton*



11 broad in the widest part, with an average size of some 22 miles by 9. It embraces ten hundreds, comprising 43 parishes, and contains nearly 117,000 acres, or over 20,000 acres more than the county of Rutland; while its 1,800 voters, and scattered population of more than 30,000, outnumber those of several counties in Scotland and some in Wales. Where, then, is the justice of excluding counties from the operation of this Bill, and yet extending it to such boroughs as this? But I can tell the House a reason why these boroughs have a stronger claim to exception than even counties. It is this—in counties the magistrates have the power to multiply polling-places, and bring them within reach of every man's residence; but in this borough, as well as in those of Aylesbury, Cricklade, and East Retford, the polling-places were stereotyped at the time of the Reform Bill; and though grievously insufficient, there is no machinery by which they can be changed or multiplied. It has been said that county voters may live anywhere, whereas borough voters must live within seven miles of the boundary: that is not quite true; but if it were, suppose you add those seven miles to the twelve and thirteen which many of my constituents have now to travel to the polling-place, they might as well, for all practical purposes, be anywhere within the four seas; besides which, there are at the time of an election, especially among a seafaring population, many who are temporarily absent, though I admit that there is a distinction between them and those who are in their ordinary place of abode. But the hon. and learned Gentleman in a former debate (for as he has not prefaced his Motion by any remarks, I am obliged to allude to former occasions)—the hon. Member then appealed to the Report of the Committee on Corrupt Practices Act as the justification of his present measure. Well, the House naturally attaches much weight to the reports of committees; but, on turning to the Report, I find that the recommendation to make conveyance of voters illegal is distinctly coupled with another for the increase of polling-places; and looking further into the details of the proceedings of the Committee and the evidence of the witnesses, which it is sometimes necessary to do, in order to prevent the bare Report having more weight than it deserves, I find that the draft Report of the Chairman, the right hon. Member for Kilmarnock (Mr.

Bouverie), contained a clause excepting rural boroughs, and that a proviso to the same effect was only negatived by a majority of one; and that almost all the evidence points to the necessity of some cheaper and easier mode of recording votes being attached to such a prohibition as that contained in this Bill. And as to Lord Derby's Reform Bill, to which the learned Gentleman has also appealed, the House knows that voting by voting-papers formed one of its provisions. In fact, the only statesmanlike way of dealing with this question is to take away all inducement to evade the law. I believe, also, a former Bill of the learned Gentleman himself contained a similar clause for multiplying polling-places. It may be said that these provisions may be added in Committee. No doubt they may, but I think "*Principiis obsta*" is a safer rule; and it really seems hardly fair that, well argued as this subject has been for several years, a crude and imperfect measure should, after all, be brought in; and this House should be asked to employ itself in something like what Voltaire called "washing dirty linen." But the Bill has been termed an instalment of a greater measure. How can there be an instalment of things differing in kind? We can understand that £5 is an instalment of £10; but this is as if an apothecary sent one ingredient of the compound ordered by a physician as an instalment of the prescription, which, I need hardly say, might have a very different effect to that intended. In former debates this conveyance was called a species of bribery, and it may be so again. Well, we hear curious things about species, but few can be so unlike the parent stock as this. What sort of bribery is it to take a man ten miles from home, make him lose his day's work and feed himself at an extra expense, and land him in the middle of an angry mob, with the certainty of being pushed about and trampled on, and the probability of getting his head broken? Would the learned Gentleman undertake to persuade a jury that the mere gratuitous conveyance to and fro was a good legal consideration for all this? It is said, that unless men go to the poll of their own accord, they ought not to vote. Well, but if those who live close at hand were at a distance, would they be more willing? So, that if the *animus* were taken as a rule, the disfranchisement would be general, and the register select indeed. This must be

the argument for a high property qualification. Surely, the hon. Member who made use of it has never voted for lowering the franchise. I think I have heard strong remarks from the opposite side about the injustice of depriving an intelligent man of his franchise because he falls just below an arbitrary line. Does not this apply equally to those who live beyond a certain distance from a place arbitrarily chosen? Again, the franchise is not only a right, but a trust, the fulfilment of which we should facilitate as much as we can. We wish, moreover, to get at the feeling of a district, and we defeat that object unless all parts of it can express that feeling. Sir, I have no love for these expenses; I merely wish to see all on the same footing. As a possible future candidate, I have no objection to save my purse; but if the hon. Gentleman wishes to relieve the candidates, he should begin with those expenses in which candidates have the least interest, such as the auditor, who is perfectly useless; the hustings, which perhaps they would rather be without. I pass over the infinite difficulty of working the details of the measure, the perplexing question as to property in carriages and such like. These difficulties may, perhaps, be overcome; but however this may be, it is quite clear that this Bill, whatever may be the hon. and learned Gentleman's intention, presses most hardly, as it now stands, upon the poorer class of voters, who cannot protect themselves. It disfranchises the country districts, and throws all the power into the towns; and, as I consider such a result would defeat the original intention of rural boroughs, and be neither consistent with justice nor sound policy, I beg to move that this Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months."

Mr. PAULL said, that if the only reason which induced the hon. and learned Member for Plymouth to draw a distinction between boroughs and counties was the supposition that in the former the voters lived so near the poll that there was no necessity for conveyances to bring them up, he could hardly be aware of the size of many of the Parliamentary boroughs. The area of the borough which returned the hon. and learned Gentleman himself was no more than about two square miles; but from a return presented to Parliament

two years ago, it appeared that there was one Parliamentary borough of an area of a little more than 73 square miles, another of 61, another of 49, and another of 47. There were 15 boroughs of an area of 30, and 53 of an area of 10 square miles each. He could understand an hon. Gentleman alleging that a distinction ought to be made in the case of some boroughs. For instance, the area of Marylebone was little more than seven square miles, and that of the Tower Hamlets twelve. He thought he had shown the House that in many instances the distances from the poll was too great to justify the House in adopting the views of the hon. and learned Member. He might be answered that it was easy to increase the number of polling places. It was by no means easy to do so; because if they increased them the candidate must at once have a staff of clerks and messengers for each additional place of polling. Besides, make what legislative provision they might, it would always be open to parties to enter into private arrangements for the hire of conveyances. It appeared to him that this was a pottering with the question. Questions of the kind before the House should be dealt with in a comprehensive manner or not at all.

SIR ROBERT CLIFTON said, it occurred to him that there was a class of voters whose case had not been considered by either of the hon. Gentlemen who had addressed the House. He alluded to voters who could not walk ten yards. He should like to know how poor voters of that description were to get to the poll, if the Bill passed? He was put to great expense for carriages at his election; and he knew of nothing that would afford him greater pleasure than to see all election expenses done away with, and Members returned free of cost, but he did not think that ought to be brought about by disenfranchising any class of voters. There were from 800 to 1,000 burgesses in the borough he had the honour to represent. Many of them were over 70; and a number of them 80, 85, and some as old as 90 years. Indeed, he believed the excitement of the last election had killed one or two of them. His opinion was that private arrangements would be made for the hire of conveyances, in spite of the Bill; and that the measure would only lead to an increase of those malpractices which were already complained of as taking place at some elections.

Mr. VANCE said, he doubted much



whether the recommendation so much relied on by the supporters of the Bill would be made by any Committee at the present time. The Committee from which that recommendation emanated was appointed at a time when men's minds were unsettled on the subject of the franchise; and he would remind the House that it was only by a majority of one the Committee determined not to schedule certain boroughs. There were no less than 600 non-resident electors of the borough of Dublin, and no less than 95 persons having a freehold franchise in Dublin were resident in England. These facts were sufficient to show that such a Bill would prove highly inconvenient in the city which he had the honour to represent.

MR. LAWSON said, he would suggest that the hon. Member opposite (Mr. Cave) should propose in Committee to omit the four boroughs mentioned by him from the provisions of the Bill, or bring up a clause providing for the establishment of additional polling places. He thought the House was indebted to the hon. Member for Plymouth for bringing forward the measure. Whenever a similar measure had been formerly introduced, it was always put off on some plea or another. At one time it was said that there was a large and comprehensive measure of reform looming in the distance. At another time it was said that a Corrupt Practices at Election Prevention Bill was about to be introduced in an amended form; while, at another time, it was urged that the question ought to be referred to a Select Committee up-stairs. The noble Lord at the head of the Government had told them that they "were not to expect a large and comprehensive measure of reform" during that Session, and therefore they need not now wait on that account. A Bill to Amend the Act for Preventing Corrupt Practices at Elections had, indeed, been promised by the Home Secretary; but the right hon. Gentleman seemed to be rather tardy in his Motions, and he did not see why they should wait for that measure. They had received the Report of a Select Committee, and one of its most important recommendations was the adoption of the plan proposed by his hon. and learned Friend. The experience of the last few years showed them that it was useless to wait for a large and comprehensive measure of reform, and that they ought to take what was offered to

them. To legalize the conveyance of voters to the poll was, in his opinion, neither more nor less than legalizing a system of bribery. They were told that if they passed this Bill they would disfranchise a great number of the poorer electors. He maintained that it was not for the candidate to enfranchise them, but to serve them faithfully in Parliament. If it were necessary to enfranchise these voters by paying the expense of their conveyance to the poll, then these expenses ought to be paid out of the public funds. Perhaps the inability to pay for their conveyance to the poll might disfranchise a few voters, but was that to be put into competition with the evil of restricting their choice of candidates to the aristocracy of wealth? One of the most important clauses in the Reform Bill brought in by Lord Derby three years ago was the prohibition of the payment of the election expenses of voters. He trusted that the Government would not oppose the present Bill, founded as it was upon the Report of the Committee appointed to consider the subject. They were all in the habit of expressing a great horror of bribery, but the present Parliament had as yet done very little towards putting it down. On the contrary they had just issued writs for Gloucester and Wakefield to pursue their corrupt practices unceasing and unchecked. He therefore entreated the House to pass the useful measure before them, if it really wished to get rid of this opprobrium of the existing system.

MR. FOLJAMBE said, he intended to record his humble vote in favour of the Bill, because it had for its object the restraint of lavish and profuse expenditure, and the checking of abuses bordering on corruption. He did not feel himself precluded from voting for the Bill by the circumstance that he represented one of the four boroughs that had been alluded to in the debate (East Retford). He shared the feelings of the hon. Member for Shoreham to a considerable extent, for there were only four polling-places in his borough, and to reach them voters had to walk a distance of six or seven miles. A poor man could not be expected to give up his day's wages and to make such a sacrifice. Still, the case of these and other agricultural boroughs might fairly be considered in Committee.

LORD JOHN MANNERS said, that as it appeared the large agricultural boroughs were to be exempted from the operation of the Bill, he should like to know what was the principle of the measure. Was Nottingham to be included when East Retford, Crickdale, and other boroughs were to be excluded? They had heard a good deal of fancy franchises, but the Bill set up a fancy franchise far more deplorable than any they had yet heard of—namely, the possession of a certain power of pedestrianism. The Bill in effect enacted that a poor elector who could walk a certain number of miles should have a vote, and that the elector who could not should be disfranchised. He objected to any fancy franchises of that kind. If through physical infirmity a voter could not walk to the poll he saw no harm in permitting a candidate to provide a conveyance for him. The Bill before the House, however, was really a proposal to disfranchise a certain number of the poorer voters of the United Kingdom.

MR. P. A. TAYLOR said, that as the youngest member of the House, he would beg its indulgence while he stated the reasons which led him to support this Bill. He had formed no exaggerated notion of the importance or scope of the Bill, but he regarded it as simply a branch of the great question of Parliamentary Reform—a question which, being fresh from the hustings, he might be permitted to say was as dear to the heart of Englishmen now as at any time during the last fifteen years. He should support the Bill as one sound in its principle, right in its tendency, and of so unobjectionable a character that until he had heard the speeches of hon. Gentlemen opposite he should have supposed it would meet with the concurrence of all parties. That House might be divided into those who were favourable to Parliamentary reform and those who opposed it. He would first address himself to those who thought that reform was essential, and he appealed to them not to reject the Bill because it did not go so far as they might wish, seeing that it extended the area from which the constituency had a right to select candidates. Any expense that was permitted by law soon became essential to the obtaining of a position so honourable as a seat in Parliament. It was something most disgraceful and anomalous that, when a man sought the honour of representing a constituency, the question should be, not whether he possessed

the requisite intellect, character, and intelligence, but whether he could buy up all the cabs in his neighbourhood, and charter no end of “busses.” It was said that the Bill was a disfranchising Bill as many persons would be unable to vote if they were not carried to the poll. But that objection might be met by increasing the number of polling-places, and paying out of the public funds the money necessary for conveying the voters to the poll, if they ought to be carried there free of expense. On the other hand, he appealed to those who thought that Parliamentary reform was unnecessary not to oppose this measure. He asked them whether it was advantageous to narrow the area of selection of the constituency? The miserable, sordid, and almost “snobbish” limitation to the area of selection founded on the money power of candidates could not be what they wanted. Some hon. Gentlemen opposite might wish to limit the representation to scions of the nobility. But the son of a successful cheesemonger might buy up all the cabs, while the scion of a family that came over with the Conqueror might be obliged to walk up to the poll. Believing the Bill to be a sound and an honest one, he should give it his support, and he trusted that it would be carried by a large majority. It would be pleasant when they were released on the 1st of June, as he understood they would be, to be able to say that, although that had not been a great reform Session, they had passed a very small Reform Bill.

MR. COLLIER said, that up to a recent period it was doubtful whether it was lawful to convey voters to the poll, and prudent candidates were therefore restrained from paying those expenses. In the well known case of “Cooper and Slade” it was, however, decided in the House of Lords that a promise by a candidate to pay a voter’s expenses was, if he really voted for him, bribery, although no more than the legitimate expenses were defrayed. In 1858 an Act was passed to the effect that it should be lawful for a candidate to provide conveyances for voters, but that it should be unlawful to pay a voter the expense of conveying himself to the poll. So that if a candidate gave a voter a shilling to pay for a cab it was illegal; but if the candidate paid the cabman the shilling, he only did a lawful act. The inducement, however, to the voter was the same; the expense to the candidate was the same, and there was no



essential difference that human ingenuity could point out between the two cases. In 1859 he introduced a measure to repeal the Act of the previous year; but he was told to wait for the Report of the Select Committee. Last year, when he introduced it again, he was told that a comprehensive measure was to be brought forward by the Government. That Bill, however, "fell through," and his faith in "comprehensive measures" had been rather shaken during the last few years. He was anxious that this short and simple measure should pass at once, so as to be in force by the next dissolution. There was now a dead calm—he might almost say an unnatural calm in political affairs. He hoped it might continue, but the veteran pilot at the head of the Government would not, from that circumstance, be inclined to rely on a continuance of fair weather—

"Mene salis placidi vultum fluctusque quietos

"Ignorare jubes? mene huic confidere monstro?"

He could not think that hon. and right hon. Members opposite would oppose this measure, since it came to the House supported by the collective wisdom of the Earl of Derby's Government. He was not ashamed to confess that he had taken the provisions of the Bill almost word for word from the clauses of the measure of Parliamentary Reform proposed by the Government of the Earl of Derby. He had always considered that Reform Bill somewhat unfairly dealt with. People said that it was altogether worthless and noxious, but this he denied. At all events, it contained one valuable provision, and this he had extracted. He was also fortified by the authority of the Select Committee, comprising hon. Members from both sides of the House, who had almost unanimously reported in favour of the Bill.

With respect to the principle of the measure, hon. Gentlemen opposite appeared to have misconceived the nature of the franchise and the object of voting. If giving a vote conferred a personal favour upon the candidate who received it, no doubt he ought to indemnify the voter for any expense or loss of time. But if the possession of a vote was a high constitutional privilege, then its exercise was the voter's own affair, and if that exercise were attended with expense and trouble it was for him to bear those inconveniences. If the voter's interest flagged, and he did not care about the questions at issue in

the contest, it was contrary to all principle that this flagging interest should be revived and strengthened by the purse of the candidate, whether by bribery, or by what was very much the same thing—hiring all the cabs and 'busses in the neighbourhood. It was said by hon. Gentlemen opposite that the poor voter would be disfranchised by this Bill, but it was not the business of the candidate to enfranchise him. If funds were necessary for this purpose, it was the business of the State to supply them. He therefore referred this class of objectors to the Chancellor of the Exchequer or to the county rates. If a candidate paid a voter for the loss of his day's work, why should he not pay him for the injury to his business? Why not also pay his rates, or help him with his rent? Where were they to stop? If they looked at the operation of the present law, they would find that it had undeniably increased the cost of elections. The Earl of Derby, when the Bill was before the House of Lords, prophesied that it would have this effect, and that his prophecy had been verified, hon. Gentlemen who represented metropolitan boroughs, and, indeed, the representatives of almost all other boroughs, could testify. There was now a general feeling among some voters that it was the duty of the candidate to convey them to the poll. It was, indeed, beginning to be thought entirely unconstitutional to walk to the poll, and the candidate who asked the elector to do so was regarded by many as awretched, mean-spirited person. The House had repealed the property qualification, but it had imposed in its place a new property qualification so far different from the other that the property qualification it had repealed was a sham, while the one it retained was a reality. He was willing to exempt the counties from the operation of the Bill, not upon principle, but as a compromise. The Committee had recommended that the Act should not extend to counties, and he had adopted their recommendation not because he thought they ought to be exempt on principle but for the purpose of effecting a compromise, which at that time appeared to be the only basis of legislation. He was aware that four boroughs—Shoreham, Cricklade, Aylesbury, and East Retford—stood in a peculiar position. To those who argued for the exemption of such boroughs he said, in the words once used by the Earl of Derby, "Prove your case in Com-

mittee." If it could be shown that any borough was substantially on the footing of a county, let it be so treated. The principle of the Bill had been already affirmed by the House of Commons. If it should now pass, it would be a step towards the purity and cheapness of elections. If, on the other hand, it were rejected, it would be strongly suspected that the House was not in earnest in its professions of a desire to purify the electoral system.

MR. KNIGHTLEY said, that the hon. Members who sat on the Opposition benches had been more than once asked why they opposed a measure the provisions of which were included in the Earl of Derby's Reform Bill. For himself, as an independent Member, he begged to repudiate the smallest responsibility for that Reform Bill. Hon. Members did not even have the opportunity of voting for the second reading of that Bill, because Earl Russell interposed with what had been termed his "cunning and craftily devised Resolution." But, although the Conservative party were not responsible for this measure, it should be remembered that the Earl of Derby's Bill had a corrective for the provision which the hon. and learned Gentleman had engrafted in his measure, in a clause permitting voting by voting-papers. If the hon. and learned Gentleman would combine the two in this Bill, he would give it his cordial support. He had stood two or three contests, and, not being a rich man, it was no pleasure to him to pay £2,000 or £3,000 for his election. But, although he should like to be spared this expense, he did not wish to be the representative of those only who had a strong pair of legs, but desired to represent equally the old, the sick, and the infirm among his constituents. Why was it that no county Member had been unseated on the ground of bribery? It was because in counties there were many polling places, and the railways were continually bringing in returns which might at any moment alter the relative position of the candidates; therefore, towards the close of the day, when votes became valuable, persons did not wish to throw away their money in bribery at the risk of losing their seats. Now, the same uncertainty which was so important an element in county elections would, he believed, be produced in like manner by means of voting papers. As the Bill embodied a very dangerous principle, without any counter-

vailing element, all who were really anxious to suppress bribery ought to oppose the Motion for the second reading.

SIR GEORGE GREY: Sir, I wish to state briefly the reasons which induce me to vote for the second reading of this Bill. I see no reason for objecting to it on the ground that it deals with only one part of that subject which came under the notice of the Committee, which has been so often referred to, and not with the whole. I think that my hon. and learned Friend (Mr. Collier) has done well in submitting this question by itself for the decision of the House. The Bill is in principle not a new one, because it is an amendment of a Bill which was passed on the recommendation of my right hon. Friend the Member for the University of Cambridge (Mr. Walpole) in 1858, the main provision of which related to the payment of the expenses of voters for counties and boroughs—prohibiting the giving of money to voters to pay their own expenses, but allowing the conveyance to be paid for. He thought that a useful and wholesome improvement of the law, and that it did tend to check the payment of money to the voter under colour of expenses. This subject was very fully considered by the Committee of which my right hon. Friend the Member for Kilmarnock was chairman and in the proceedings of which I took part; and the opinion which we came to, after full consideration and after hearing important evidence, was that it was desirable to continue the existing law as contained in the Act of 1858 with reference to counties, but, with respect to boroughs, that it would be proper that no expenses should be paid for the conveyance of voters. When that decision was arrived at thirteen Members were present, and twelve of them voted substantially for the resolution to this effect proposed by the hon. and learned Gentleman the Member for Sheffield. I should say there was a subsequent division as to whether certain boroughs, to which allusion has been made, should be excepted, and a majority of only one decided against excepting them. The reasons which influenced me in my support of the proposition were founded very much upon the abuses which have risen in boroughs from the practice of paying for the conveyance of voters, and upon the absence of any necessity for continuing that practice. The difference between the case of counties and boroughs is this, that in counties the law recognises non-resi-



dence as no disqualification, while in boroughs, with few exceptions, the rule is that residence is a necessary qualification. It is true, as the hon. Gentleman who spoke last has said, that the proposal in the Bill brought forward by Lord Derby's Government was associated with a provision for voting by papers. This was considered by the Committee, and their opinion was unfavourable to the plan. With regard to counties, as they rejected the system of paper voting, they felt that to prevent any person from being brought to the poll at the expense of the candidate would be virtually a disfranchisement of a large proportion of the electors; but in boroughs they were of opinion that it would not act as such a disfranchisement, and that its operation in preventing voters from coming to the poll would in any case be extremely limited. At the same time they had evidence before them to show the very large expense incurred especially in metropolitan boroughs in providing for the conveyance to the poll of voters who might live within a short distance of it, a door being thus opened for a great deal of corruption, not only of voters but of those who conveyed them. The law now provides that not more than 600 persons shall poll at any polling place, and the Committee felt that by a judicious distribution polling places might be brought within reasonable reach of every person residing within a borough, and that he might find his own way to the poll without being subjected to any great inconvenience. The hon. Member for Nottingham (Sir Robert Clifton) has said that in his borough there are many hundred free-men who from their advanced age would be unable to walk to the poll; but that is a very exceptional case, and though the hon. Baronet may not desire it, yet in the course of nature many of those voters will probably be removed before the hon. Gentleman again goes to his constituents. Now, with regard to boroughs of large extent, including several agricultural parishes within their area—some of which I believe are larger than the smallest county in England—six Members of the Committee out of thirteen were of opinion that an exception should be made in their favour. The majority, however, thought it inexpedient to make any such exception, because, if you do so, you break down the rule, and will find great difficulty in deciding where to draw the line, and because a remedy for the inconvenience is to be found in the judicious distribution of poll-

ing places, which may be brought within a reasonable distance of the residence of the voter. It must not be forgotten, that if this Act be passed, persons in their private carriages, or by private conveyances, may still take in firm voters to the poll. I come now to the principal objection urged to this Bill. I have been told that the Bill will be injurious to the Liberal cause, for the Liberal cause is generally popular, and this being supported frequently by men in humble life the Bill will deprive them of the opportunity of recording their votes, while it will throw into the hands of the rich the means of conveying their supporters to the poll. Now, I do not think this is a consideration which, if the measure really tends to check undue expense and abuse, ought to weigh with us. I do not think that where an important political question is at stake, or where the franchise is considered an important privilege, the present Bill will prevent persons from going to the poll. This, however, is a question upon which hon. Gentlemen may entertain strong opinions without being open to the charge either on the one hand of wishing to disfranchise a portion of the constituency, or the other of desiring to support corruption. The change is one which I believe would be beneficial—it is one which has been fully considered by the Committee; I voted for it as a member of the Committee, and I am prepared upon the second reading of this Bill to express the same opinion. If the Bill passes a second reading, a provision ought to be made in Committee for multiplying polling places in those four boroughs where no power now exists by law of altering or increasing them. I really do not understand why they should be made exceptions to the other boroughs in the kingdom. Their case, however, is one which ought not to prevent our supporting the second reading of the Bill, and I shall therefore give my vote in favour of the Motion.

MR. HUNT said, as he had had the honour of moving the rejection of the Bill of the hon. Member in 1858, he hoped the House would allow him to state briefly why, though the measure was somewhat modified, he could not give his support to the second reading. Hon. Members opposite always looked upon any Bill for conferring the franchise as a very large measure, but he thought that the Bill, so far as it would take away the franchise, was a very large one. The existing law,

he admitted, was highly objectionable in many particulars; but he would say let greater facilities for polling be provided, and until then let the law remain as it is. He believed that if the Bill passed, a wealthy candidate would have great advantages. For supposing payment of the expense of conveyance was prohibited, would not that be putting the election into the hands of those who had horses and carriages of their own, and taking away all chance from the man who had not the same means of meeting his opponent? As to the argument that the House ought to accept the Bill because it had been recommended by a select committee, that would prove rather too much, because it had been also recommended that a person in the employment of another ought to be at liberty to absent himself from such employment for such time as might be necessary to enable him to vote, without being subject to any loss of wages or other penalty. Was the House prepared to accept such a recommendation? If in the case of counties they admitted the principle that where voters were at a certain distance from the poll they could not be expected to walk to it, they ought to admit the same principle with respect to boroughs. The promoters of the Bill had agreed that in Committee many places must be placed in the schedule, how many they had not said. But they must be aware there were a great many. There were 37 boroughs of an area of 15 square miles, 22 of 20, 21 of 25, 15 of 30, 11 of 35, 40 of 45, 1 of 47, 1 of 49, 1 of 69, 1 of 73, and 1 of 78 miles. Therefore, if the Bill was to pass, a large number of boroughs must be scheduled. The right hon. Gentleman seemed to have forgotten that a person might reside seven miles from the limits of the borough in which he had a vote. Were they to oblige such a man to remain away from the poll? He wished the polling places to be brought home to every man's door, for he believed it would do away with the difficulty with which they were trying to deal, and would lessen bribery and intimidation; but, until they had given such facilities, let them not take away from the poor elector those facilities which he had at present.

MR. AYRTON said, he wished, before the House went to a division, to say one word as to the real nature of the clause which he had had the honour to introduce, and which the Bill of the hon. and learned Gentleman sought to repeal. Now the hon. and learned Gentleman had en-

tirely mistaken the character and objects of that clause. It must be admitted that, if it was the duty of a voter to record his vote, it was the right and duty of every person who could to enable him to discharge that duty; and the law, he believed, had been uniformly laid down in courts of justice in conformity with that principle. He begged, therefore, to deny that the clause which he had proposed, and which had been adopted by the House, was any real alteration of the law. It would have been correct to have framed it as a declaratory clause; but, inasmuch as hon. Gentlemen questioned the fact, it was made an enacting clause. The only question that had ever been raised was, whether the payment of the expense of conveying voters to the poll might not be made a colourable pretext for bribery and corruption. Then it would be illegal, not otherwise. The real question, then, was not whether it was right to provide conveyance for voters to the poll, because that had never been questioned; but it was said that persons, under the name of expenses for conveyance, demanded and received considerable sums of money for their own benefit. There was no doubt of the truth of that assertion. A man came a few miles, he got money to pay for his conveyance; but he had walked, so he put the money in his pocket. The question, therefore, for the House of Commons was to prevent the exercise of a legitimate right being perverted into a means of corruption; and that was illegal. But it was difficult to say what was the precise definition of illegality in the matter. It being a question of common law, judges might lay down one law and Committees of that House another. But it became necessary to lay down the law in such a manner that Committees of that House could not be outwitted by clever counsel bringing forward the decisions of courts of justice; and therefore it was that he had submitted to the House that they should lay down in clear terms what he believed to be the rule of common law applicable to all elections in this country. His proposition was the simple rule that persons should not be allowed to make conveyance a colour for corruption, but that any one, whether candidate, or co-elect, might be at liberty to take any voter to the poll. Now his hon. and learned Friend (Mr. Collier) came down to the House that day with a Bill in which he virtually admitted that he could not carry out his own



principle, and that the present state of the law was right. He (Mr. Ayrton) did not object to going into Committee; but in Committee his hon. and learned Friend must alter his clauses, and enact that no person should be conveyed to the poll; if not, he would leave the law in the most confused, the most capricious, the most arbitrary, and the most unjust condition it was possible to conceive. For what did his hon. and learned Friend propose? That, if an elector was called an agent, he might not hire a cab for conveying a voter to the poll without making himself liable to prosecution; but if he was not an agent, and hired a dozen cabs for the same purpose, that was a perfectly legitimate proceeding. But the House could not sanction such a principle. The law must be clear and intelligible. It was a very serious interference with freedom of action to say that no person should aid in carrying an elector to the poll. If they were about to put the great majority of working people into the position that they could not be conveyed to the poll, it would be necessary to make some provision which would enable them to vote without being subjected to the inconvenience which they would suffer from such an alteration in the law. The working man was allowed half an hour for dinner, and, if he tried to walk to the poll, in what position would he be placed with respect to his master if he did not come back within the time? In his opinion, his hon. and learned Friend had entirely misconstrued the present state of the law, and while grasping at the shadow was losing the substance.

MR. CLAY said, it was perfectly well-known that the conveyance of voters was made a colourable pretext for bribery, not of the voter, but of the owners of the conveyances. He appealed to the metropolitan Members whether one of the best means of insuring success at an election in the metropolis was not the purchase of conveyances for bringing voters to the poll?

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 130; Noes 160: Majority 30.

Words *added*:

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

VOL. CLXV. [THIRD SERIES.]

## TRADE MARKS.

### SECOND READING.

Order for Second Reading read.

MR. ROEBUCK said, he rose to move the second reading of this Bill, with the intention of sending it to the same Select Committee as that to which the Government Bill on the subject would be referred; and he trusted that the deliberations of the Committee would result in the production of some good measure to effect the object in view.

MR. CRAUFURD said, he hoped that the provisions of the Bill would be carefully considered in the Select Committee. He did not see why there should be a special enactment with regard to the fraudulent imitation of trade marks. That offence ought to be dealt with by some general law against attempts to defraud. He conceived that the extension of the Bill of the summary jurisdiction given to magistrates was very objectionable, and he thought the Bill defective, inasmuch as, though it contained an enactment to prevent one trader using the trade mark which was already the property of another trader, it did not provide against a very common fraud on the public, consisting in traders using their own trade marks in selling short measures.

MR. MOFFATT said, that the Bill had been published only that morning, and Members therefore could not have read it. He therefore desired that it should be well understood that the principle of the Bill was not taken to be affirmed by its passing through the second reading in order to be referred to a Select Committee.

Bill read 2<sup>o</sup>, and *committed* to a Select Committee.

## QUALIFICATION FOR OFFICES ABOLITION BILL.—THIRD READING.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the third time."

MR. HADFIELD moved the third reading of this Bill.

MR. NEWDEGATE moved, "That it be read a third time on that day six months."

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. SELWYN seconded the Amendment.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 140 ; Noes 127 : Majority 13.

Main Question put, and *agreed to*.

Bill read 3<sup>o</sup>, and *passed*.

House adjourned at a quarter  
after Four o'Clock.

## HOUSE OF LORDS,

*Thursday, February 27, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>a</sup> Qualification for Offices Abolition ; Lunacy Regulation.  
2<sup>a</sup> Law of Property Amendment.

### ITALY.—PROCLAMATION OF COLONEL FANTONI.—QUESTION.

THE EARL OF DERBY : Your Lordships will remember that I gave notice the other night that I should ask a Question of the noble Earl the Foreign Minister respecting the issue of a certain Proclamation in the territory of Naples. The answer that I then received, or rather the statement which the noble Earl the Secretary for Foreign Affairs then made, that he had not himself any knowledge of the document to which I referred, and that he could not obtain any information upon it in the Foreign Office, took me rather by surprise, and renders it necessary for me to alter somewhat the form of the Question which I am about to put. As the noble Earl has now in his possession the paper containing the proclamation, I hope that his answer will be such as will be satisfactory both to your Lordships and to the country. Immediately after quitting the House on Tuesday night, I sent the noble Earl a copy of the paper in which the original Italian proclamation appeared, and also a copy of the French newspaper *L'Union* into which it was translated. Although I could wish that there was no possibility for doubt as to the authenticity of the proclamation, I am afraid there can be very little question about it. I think I heard upon the evening when I first mentioned this subject a sort of soft and incredulous laugh on the part of some of your Lordships, and I was not surprised at it, because I can well understand that it was difficult to believe in the reality of

the proclamation. I have a literal translation of the document in question, and with your Lordships' permission I will read it to the House. I may say that, though it is issued by a commandant of a detachment of infantry, it professes to be issued by the direction and under the orders of the Prefect of the province—an officer directly responsible to the Government. It is as follows :—

"Order of the Commandant of the Detachment of the 8th Regiment of Infantry in Lucera.

"In consequence of orders received from the Prefect of this province, with the view of arriving by all the most effective measures at the prompt suppression of brigandage, the undersigned gives notice—

"1. That from henceforth no person shall set foot in the woods of Dragonaro, Sta. Agata, Silva Nera, Gargano, Santa Maria, Pietra, Motta, Volturara, Volturino, Sammarco, Alonza, Carlantino, Maccione di Biccari, Vetruscelle, Case Rotte.

"2. Every proprietor, agent, or farmer, immediately after the publication of this notice, must withdraw from the said woods, all the labourers, shepherds, goatherds, &c., and all the cattle now therein, destroying the hovels and cottages occupied by them, and by the persons engaged in tending them.

"3. No one from henceforth may carry from the villages provisions for the use of the farmsteads, nor may these last possess more of these than may be absolutely necessary for one day's sustenance for the number of persons attached to the said farmsteads.

"4. All persons contravening this order (which shall have full effect two days after its publication) shall be treated, without exception of time, place, or person, as brigands, and as such shot.

"In publishing this order the undersigned intimates to proprietors to give early notice to their dependents, in order that, avoiding as far as possible the application of the above rigorous measures, they may effect the object which the Government proposes to itself ; warning all persons at the same time that the measures themselves will be applied with the utmost stringency."

Now, my Lords, I will not insult your Lordships by making a single comment upon the terms of this proclamation. I lay it before you and before the world in all its native atrocity. The only remark that I will make upon it, is that it is a proclamation emanating from a Government which professes to have been accepted by the country of which this district forms a part, unanimously and by the test of universal suffrage, which claims to be recognised as a deliverance from tyranny and oppression, and which has been telling you for months past week by week that it is putting down without difficulty the slight remains of insubordination, disorder, and revolt which prevail in certain districts. I will not inquire into the character of the revolts against the con-



stituted authority of the country. I will not say whether these revolts arise from political feelings derived in any degree from attachment to the exiled family. I will not say how far their abettors may be governed by less worthy and respectable motives. I think it very likely that they may be something of a mixed character—that they may be political, and there may be something like brigandage in them; and therefore I do not complain that the Government in possession should endeavour by all legitimate means to put an end to such a state of rapine and disorder. But I say proclamations of this tendency are a disgrace to humanity itself. Every mind must revolt against a measure which seeks to pacify a country by desolating a whole district, stripping it of inhabitants, cattle, and houses, in point of fact, creating a desert and calling it peace; and which subjects an unoffending peasant only for having in his house more food than is absolutely necessary for the supply of the daily wants of his family, to suffer death without a trial at the hands of a baffled and infuriated soldiery. The document is now in the noble Earl's hands; and I have that confidence in the genuine love of freedom which has always distinguished the noble Earl, that I am quite sure I do not feel more indignant at the tone of the proclamation than the noble Earl himself. Upon former occasions I believe the Emperor of the French has remonstrated in strong terms against the brutal ferocity with which affairs have been conducted in the Neapolitan territory by both parties. In another case, of perhaps much less importance, where, as in this case, civil convulsions are going on, and where we have only diplomatic relations with the Government in actual authority, the noble Earl himself has remonstrated. The noble Earl felt it necessary to remonstrate with the Government of the United States upon the sinking of stone ships at the mouth of a harbour, as an extraordinary and unjustifiable proceeding. But what comparison is there between sinking stone ships at the mouth of a harbour and such atrocities as are set forth and commanded by authority in this proclamation? This country, if it has persevered in a system of non-interference in the affairs of Italy, has, at all events, given to the Italian cause largely of its moral sympathy. It has winked very hard indeed at proceedings which it would be difficult to reconcile with political mo-

rality; and I think Her Majesty's Government have a legitimate claim to appeal to those in authority in Italy, and to warn the Italian Government against a course of conduct which must be revolting to every man possessed of ordinary humanity. I am satisfied, and I am sure the noble Earl will agree with me, that a proclamation of such an infamous character must tend more than anything to alienate the sympathies of Europe, by which the Italian cause is supported, and to retard a cause which we know the noble Earl has at heart. I wish to ask, whether the noble Earl has received any information from Sir James Hudson, to whom this proclamation must have been known? I wish to know whether Sir James Hudson has communicated it to the noble Earl, and has expressed any opinion upon it; and, whether Sir James Hudson has taken upon himself to represent, in a friendly way, to the Government of Turin the effect which will be produced upon the feelings of this country by the appearance of such a proclamation? I wish also to ask, as the noble Earl is now in possession of the proclamation, and does not deny its authenticity, whether he is prepared to call on Sir James Hudson to explain why he has not taken any notice of it (if he has not), and whether the noble Earl will instruct Sir James Hudson at once to represent in the strongest terms to the Government of Italy the feelings with which this Government views such a course to put down revolt; with the assurance, which may fairly be given, that nothing can tend so far as measures of the kind to defeat the object of a great majority of this country, to obtain for Italy whether united Italy or not—after so many centuries of misgovernment the advantages of a limited and temperate monarchy and constitutional liberties for the people?

EARL RUSSELL: In answering the noble Earl, I will first address myself to the character of the notification or proclamation which he has brought under your Lordships' notice. I entirely agree with him in all he has said of the character of that proclamation. I think nothing can be more cruel, more barbarous, than to issue such a proclamation—involving the innocent with the guilty, spreading desolation over a large district of country, interfering with the pursuits of industry, and making the Government a terror even to all well-disposed inhabitants. I should add, also, that I think such a proclamation

would be most impolitic. This is not the manner in which a country can be pacified. This is not the manner in which the inhabitants of a district can be conciliated to the rule of the Government which is put over them. But, my Lords, with regard to its authenticity, I must say I have no evidence. At first sight it would seem that no persons would venture to publish in a newspaper circulated at Turin, whatever its politics might be, a document of this nature which was not genuine—a document casting upon the character of the Italian Government an imputation which, if just, would be most calamitous. The newspaper in question is the *Armonia*. It is a newspaper well known for its strong political and ecclesiastical opposition to the Government, and it is a newspaper which on those subjects has great influence. Perhaps your Lordships will allow me to mention a conversation which I once had with the late Count Cavour, which bears upon this subject. I stated to Count Cavour that an opponent of the Turin Government had said that they laboured under great disadvantages, for while the Liberal newspapers which were guilty of libel were always acquitted, the newspapers which defended the cause of ancient institutions, as they were called—the cause of despotism, or the cause of bigotry as I should call it—in Italy were invariably condemned. That is a charge, I said, which is made against you by your political opponents. Count Cavour said, “It is perfectly true. The newspapers on our side are generally acquitted, and certainly when the Opposition newspapers have been brought before the tribunals, they have generally been condemned. But this unfairness has struck me so much that I have given an order that no Government prosecution shall be issued against those newspapers. They may say exactly what they please. They may libel me as much as they like. I am determined they shall not be prosecuted for anything which they may say.” This may, perhaps, in some degree account for the licence to which those newspapers have given themselves up. I have heard of instances in which documents published in those newspapers have been afterwards found not to be genuine, and I trust that this is one of those instances. I am confirmed in that hope by the absence of testimony on the one hand, and by what I have heard in conversation on the other. In the first place, this proclamation,

*Earl Russell*

which was published on the 19th of February at Turin, has not been noticed by our Minister at Turin in any manner, and has not been noticed by Her Majesty’s Consul at Naples, though it would naturally come under his observation. And, in the next place, I have been told that the proclamation bears a strong resemblance, if it be not a literal copy of a proclamation published in 1810 by the then Government of Naples. This, I confess, gives me great reason to doubt the genuineness of the document. For the sake of the Italian Government, and as the noble Earl has said for the sake of humanity, I shall be glad to find that it is not genuine, and that no such notification has been issued by any officer of the King of Italy. There has been, no doubt, in other instances great severity of treatment of those who are brigands, and who are disturbing the southern provinces of Italy. But I must state that the present position of the Government of the King of Italy in the southern provinces is put to a very hard trial. There does not exist, as the noble Earl would seem to imply, any civil war in Italy. The parties who are found committing murders and robberies are parties generally of from ten to twenty persons. They rarely exceed that number, although sometimes perhaps forty or fifty have collected. They come into the country. They occupy these woods. They are attacked by the regular troops of the King of Italy. In some instances they are dispersed, and the country is for a moment freed from them. They fall back into the territories of the Pope. At the frontier of those territories the Italian troops are stopped. These men are disarmed by the French troops who occupy those territories; but these men who have been committing robbery and murder go to the Government of the Pope, are re clothed and re armed, and in a few days the whole work has to be done over again. Of course, it cannot be expected that the Government of the Pope should have much friendship towards the King of Italy. But, in the common course of conduct between neighbours, it might be supposed that peace would be preserved. These men, as I have said, are not men carrying on civil war. In the time of Francis I. they committed robbery and murder, and took the name of *carbonari*, or any other name, to cover their designs; at the present they take the name, and I do not think they do much honour to it, of Francis II. I know that the sub-



ject has been one of great anxiety to the Government of Italy. Not very long ago I received a communication from Turin stating that Baron Ricasoli, the head of the Italian Administration, had said that though during the winter these robbers and brigands, not finding any very secure refuge, had been put down to a great extent; yet, as they could more easily obtain food and shelter in the spring and summer, it was to be feared that these disturbances would again arise. I must say, however, that the issuing of such proclamations as that which has been quoted is not the way to support the King's authority. While, on the one hand, it is terrible that such a proclamation should be issued—if it really was issued—by any person bearing the honourable scars of regular warfare, and acting under the orders of a regular Government, it is, on the other hand, equally frightful that the cause—for it is said to be a cause—of the dispossessed Sovereigns of Italy should be maintained, not by regular warfare against the King of Italy, but by small bands of brigands let loose from time to time merely in the hope that an argument may be raised against the Government of Italy, so that it may be possible to say, "You see how incapable that Government is of governing according to law, and reducing the country to order." But in spite of all these difficulties I have the greatest confidence that there will be established in Italy a Government combining liberty and order. I confess here, as I have confessed elsewhere, that I have the greatest admiration of the noble attitude of the Italian people. When we compare the conduct of that Government and people with the conduct of other peoples and other assemblies in times of revolution, they have no reason to be ashamed. I think they have shown that they are worthy of the liberty they seek, and I trust that their independence will, before long, be acknowledged by all nations.

THE EARL OF DERBY: The noble Earl has made a very eloquent and impassioned speech, but he omitted altogether to answer any of the questions which I put to him. My object was not to obtain from the noble Earl an expression of opinion with respect to the general conduct of the Italian Government and people, but I want to know whether he received any information respecting this supposed proclamation from Sir James Hudson? On Tuesday last I made the noble Earl acquainted with the existence of this docu-

ment, and if he entertained any doubt of its genuineness, he might have received a telegraphic communication from Italy upon the subject before this day. But now that the alleged proclamation has been placed before the noble Earl, under a form in which I hardly think that any newspaper would venture to insert it if it were not genuine, with the name of the officer by whom it was understood to be issued, and affording the Government an easy opportunity of contradicting it if it were unfounded, I have to ask the noble Earl whether he has called, or whether he intends to call, on Sir James Hudson to explain why he has not forwarded the document to the Foreign Office; and to ask him further, whether, supposing the document to be authentic, it is his intention, on the part of her Majesty's Government, to address to the Government of Turin those representations which the nature of the case seems to me to demand?

EARL RUSSELL: I thought I had stated that I had received no information on the subject from Sir James Hudson or the consul at Naples with respect to this document, and I stated the reasons why I suspected it was not genuine. The first thing was to ascertain whether it was genuine or not. I did not telegraph to Sir James Hudson until yesterday, and I have not yet had an answer. If I should ascertain, contrary to my expectation, that the document is genuine, I shall then make such communications on the subject as I think are fitting to the Government of the Kingdom of Italy. They must be such communications as we may consider fitting, because the case is not on a level with that of the stone fleet, and I shall hardly notice it otherwise than in the most friendly manner, and for the sake of the Italian Government.

THE EARL OF MALMESBURY: I hope I may be permitted to suggest to the noble Earl that if he finds this document is genuine, and if he also finds that his agents in Turin and in Naples, have not sent it to the Foreign Office, and have not made any representations on their own parts to the Government of Italy, the noble Earl should express his opinion to those agents with respect to their conduct. It is impossible to ascertain in this country what is taking place in Italy. There is so much exaggeration in the statements upon both sides in that coun-

try that it is impossible for the English people or the English Government to learn what is the absolute truth unless through the faithful report of our own agents in that country.

THE DUKE OF ARGYLL: These homilies, I think, would come very much better after it has been ascertained that the document is genuine. But I have reason to believe that it is not genuine. I happened last night to be in company with an Italian gentleman—as well known in English as in Italian society—who has just come from Turin, and I asked him whether he had seen any proclamation of the sort. He told me that he recollected having heard a short time ago that such a proclamation had appeared in the *Armonia* newspaper, and that it came to the ears of the Italian Government by that means for the first time. Upon strict inquiry it was found to be an entire falsehood—a *rechauffé*, in fact, of an old proclamation, published under the Government of Murat, when that Government was engaged in putting down brigandage. I myself passed through Turin within the last few weeks, and I heard there many complaints from various persons of what they considered the extreme laxity of the Italian Government in taking steps to put an end to brigandage. I should regret very much to find that such a proclamation was genuine; but, from the private information which I have received, I sincerely hope that it may be found not to be the case.

THE EARL OF DERBY: It is a great pity that the noble Earl did not communicate his information to the Foreign Secretary.

#### LUNACY REGULATION BILL.

##### BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR:—My Lords, I rise to call your Lordships' attention to some matters relating to the Law of Lunacy which appear to me to require revision and also to some defects in the procedure. It continually happens in this country, where our legal system is the growth of ages, imperfections are naturally to be found which are patiently endured until some event occurs which places its defects so flagrantly before us that we set ourselves at once to the duty of remedying them. And that is the case with the subject which I am now about to bring under your Lordships' consideration. We have had a trial in lunacy extending over

*The Earl of Malmesbury*

the unexampled period of thirty-two days. The subject of that inquiry has vindicated his right to be considered sane at an expense, I am credibly informed, of not less than £15,000; and the expense of the parties on the other side, the petitioners, must have equalled if not exceeded that sum. That is an event which unquestionably suggests that the rules which govern trials in lunacy probably require revision and alteration. I say the rules, because I have no ground whatever to blame the professional conduct of those proceedings, still less the manner in which it was directed and presided over by the learned Master in Chancery. There is no officer in the Court over which I preside more able to discharge his duty efficiently than that learned gentleman. Neither can I complain of the conduct of the legal gentlemen who were engaged either for the alleged lunatic or the petitioners. But the vice lies in the system. Our mode of dealing with such subjects is at once cumbrous and incomplete. We have taken a cumbrous machinery, which was originally intended for a different purpose, and have applied it as an instrument of judicial proceedings; and the Master, who is the judge on such occasions, has less authority than he ought to have considering the importance of the questions he frequently has to decide. I will trespass on your Lordships' time for a few moments to state the history of the law, that you may follow more readily the course we propose to adopt. By the law of the country the Sovereign is entitled to the custody of those who are unfortunately bereft of reason. That prerogative of the Crown was declared long ago by a statute passed in the reign of Edward II. In the procedure in cases of lunacy we have retained the old cumbrous jury of twenty-four; we have also retained the practice of traversing; and, altogether, the procedure in these cases is wholly cumbrous, expensive, and ill-adapted to all the exigencies of public justice. I therefore propose, in the first place, in cases of lunacy to substitute for the present commission a writ to one of the Judges in Westminster Hall, directing these cases to be tried precisely in the same manner as any other question of fact, or as a criminal question would be tried, according to the ordinary rules of evidence. That this is the most necessary alteration to be made I think your Lordships will agree when I inform you of what has lately occurred with regard to disputed cases of lunacy.



I have here some instances from the most important trials that have recently taken place. I find that in one trial that preceded the last the expenses amounted to £6,941. That was the case of Sir Henry Meux. In the case of Mrs. Cummings, whose insanity was manifested the moment she appeared before the jury, the costs were £2,500. In an antecedent case the expenses were £1,909, of which £250 were the costs of the medical witnesses alone. It is impossible that anything can be more objectionable, as affecting both parties, than the present system. But a mere change of procedure would be of little advantage unless it were accompanied by various other alterations. I now invite your Lordships' attention to the alteration in the mode of taking evidence and the nature of the evidence to be taken. According to the present mode of procedure the examination of the alleged lunatic is generally postponed till after all the other evidence has been given. I propose that, subject to the discretion of the Judge, the lunatic shall be seen and examined by the Judge and jury before they enter on the reception of evidence. This proceeding would in many cases have prevented the necessity of any further evidence being taken at all. He is also to be examined at the close of the proceedings before the jury consult as to their verdict. But there is another cause that lies at the root of much of the expense of these inquiries; that is, the amount of medical testimony adduced, and the different theories of these medical authorities as to insanity. The common course is to produce certain medical witnesses, and they give the jury their own particular theories as to lunacy. Sometimes, in order to support these theories, the inquiry into the insanity of the alleged lunatic extends over his whole past life; in this case a vast amount of evidence is necessarily prepared. For the purpose of checking this investigation, sometimes extending over a whole life, that leads to such an extraordinary expense, I propose, in the first place, to introduce a rule that any testimony given in regard to the acts, conduct, and demeanour of the alleged lunatic shall not be carried back to more than two years before the date of the commission. We have just seen the necessity of such a rule. Those who have attended to the details of the recent trial must have observed the mode of procedure. The case presented to the jury was alleged to be one of what is termed congenital

idiocy. The evidence to support this allegation went back over many years, while the real point at issue was the state of the alleged lunatic's mind at the time of the inquiry, or for a short time antecedent to it. I propose, therefore, to limit such investigations to two years previous to the commission directing proceedings. This is an ample period within which to ascertain the state of the lunatic's mind. But the alteration does not stop there. I object to the judicial attention being so particularly directed to the medical testimony. It is a radical error to deal with these cases as if the subject were to be inquired into physiologically, and not like every other question. If the inquiry were whether the brain is in a state of disease, then it might be right to prosecute the matter as a question of physical science, and to regard it as we regard any other fact in philosophy. But a jury should only receive evidence by which ordinary men can arrive at the fact of the state of mind as they would arrive at any other alleged fact—such evidence as every man can understand. The evidence should be of what has been done or said, to prove conduct or demeanour, and ascertain whether the person is competent or incompetent to manage his own affairs. I beg your Lordships to observe the injurious effect of producing and admitting into inquiries of this kind a description of scientific evidence on which a jury is not competent to form an opinion. The conclusion they ought to arrive at should be unprejudiced by any consideration of scientific testimony respecting which they are incompetent to judge. Such testimony is the proper mode of arriving at a different result—namely, an answer to the question whether there exists bodily disease; but it does not apply to cases where you have to inquire whether the individual has proved himself unfit to be trusted with the government of himself and with the management of his property. The principle of law is wholly in accordance with the view I am now taking. According to that principle, scientific evidence is admitted when the subject is removed from the ordinary sphere and knowledge of common men. But when the subject is one upon which a man of ordinary understanding is competent to judge you do not open the door for the reception of scientific evidence. I particularly desire, therefore, to introduce into the judicial inquiry affecting lunatics the same rule which prevails at present in

all other inquiries—namely, that scientific evidence shall only be admitted in cases where, according to the rule I have described, it may be received. The more you dwell upon this particular part of the subject the more, I think, your Lordships will become convinced of the justice and the propriety of the principle which I have laid down. Remember that you are not at all warranted in coming to a conclusion of this kind, which may involve the liberty and the property of an individual, unless you found that conclusion upon things of which you are convinced as being actually existing and certainly known. But here you have a medical man presented, who tells you that, according to his experience, the existence of cerebral disease is shown by certain bodily symptoms; while another medical man, or half a dozen, meet his theory with a direct negative, and tell you that in their experience the particular symptoms relied on by the former witness as a criterion of mental disease may be easily accounted for in another way, and present no certain *indicia* of its existence. Between these learned doctors, who is to determine? An inquiry terminating in results little short of those with which you visit a person charged with a serious crime ought to rest upon some more certain basis than this. The only question is—has the individual charged with lunacy said or done such things as show him to be a person whom it is dangerous to leave at large, and to whom the conduct of his affairs and the management of his property ought not to be left? At that conclusion you must arrive upon moral and not upon speculative grounds. The conclusion should be a judicial one, not a conclusion of natural science; but to derive it from the opinions of medical professors is to base it upon mere matter of speculation, instead of upon matter of moral certainty. No one can have attended to the evidence of medical men without observing that all their reasoning upon a subject of this kind is open to palpable objection as being insufficient altogether. If you want to form a general conclusion which shall be applicable to all conditions of men, it ought to be founded upon observation of such a number of cases as will furnish you with sufficient premises for your conclusion. But, according to the statements of those who have written most learnedly upon the subject, it is the habit of medical men to jump to conclusions upon half a dozen

instances met with in practice, and upon this limited number of cases they give unqualified opinions. Hence it is that the experience of one medical man does not coincide with that of another, because their theoretical speculations are not conducted on the same principles, and the consequence is contradiction and uncertainty throughout all the medical evidence given in these cases. Now, if I could emancipate lunacy cases from speculative inquiries and evidence of this kind, I think I should place the condition of persons charged with lunacy upon a basis of much greater security than at present, and should rescue the whole of these proceedings from the reproach to which they are subject when the matter is rightly examined. At all events, I submit the subject as one deserving of grave consideration. If your Lordships agree with me that the evidence in these cases ought to be assimilated to that given under ordinary rules of law, I venture to promise that the abuses and enormities which have been found to exist under the present mode of procedure will almost entirely disappear. These are the principal subjects of enactment in the Bill as far as it relates to the form of procedure, and the amended mode of inquiry.

With regard to its other provisions, they are of an immediately practical nature, and, I hope, will be found to introduce a wholesome remedy for the evils which now exist. Unfortunately, it happens in the case of a great number of judicial proceedings affecting lunatics that the remedy is too costly and too prolonged to be effective, and accordingly the evil often goes unredressed. It appears that, even under the greatly-amended process of the Bill of 1853, no commission of inquiry in lunacy can be had at a less expense than £60, and this in uncontested cases. In a great number of instances the property of the unfortunate subject of the proposed inquiry cannot be obtained by him without an inquiry, and yet this property is so small that it would be nearly exhausted by an application to the Court or by a commission in lunacy. One case now before me is that of a poor man who had saved £96 which he had placed in a savings bank at Bath. It was felt to be an absurd thing to go to the Court for the purpose of obtaining a commission of lunacy, which would certainly eat up £60 out of the £96, and give rise every year to still further expense during the life of



the unfortunate lunatic. In another instance property to the amount of £230 could not be obtained for a similar reason; and in all these cases the lunatic is deprived of his property. The Bill therefore proposes to enact that whenever it shall appear, upon satisfactory evidence, that the property of the lunatic does not exceed £1,000, the Lord Chancellor shall be empowered to effect by a summary order the same object as would have been effected under a commission in lunacy, thus saving the expense which would be otherwise incurred. Then, again, there is the case of criminal lunatics. There are numerous instances in which persons are acquitted on the ground of insanity, and are sent into confinement, but, of course, no provision is made as to their property or the business which they may have been carrying on at the time of the accusation against them. I propose to deal with these cases, also, in an equally summary way. I now pass on to a very important subject—that of the visitation of Chancery lunatics, who are under the jurisdiction of the Lord Chancellor. It has been a subject of anxious consideration to discover in what way we can best secure to the lunatics under the jurisdiction of the Lord Chancellor the same effective visitation which is enjoyed by those lunatics who were under the superintendence of the Board of Lunacy Commissioners. In a report made by a Committee of the House of Commons it was recommended that the visitation should, in each case, be one and the same, and that the duty of visiting the Chancery lunatics should be added to the other duties of the Lunacy Commissioners. I was very anxious to adopt that recommendation; but upon communication with the noble Earl near me (the Earl of Shaftesbury) I was satisfied that it would not be possible, consistently with an effective discharge of their other duties, for the Commissioners to undertake the visitation of Chancery lunatics. Great care would be requisite in allotting such additional duties to the Lunacy Commissioners, and there might be a possibility of some conflict or difference between the rules usually adopted by them and those prescribed by the Lord Chancellor. Upon consideration, therefore, and after consultation with the noble Earl, I have determined upon the propriety of giving to the Lord Chancellor more extended powers for an effectual visitation of the unfortunate lunatics under his control. No small amount of power

will be adequate to enable a complete visitation to be made, and therefore I propose that the Lord Chancellor shall appoint two medical visitors and one legal visitor, who shall devote themselves exclusively to the performance of the duties. It is most essential that each lunatic should be visited at least twice a year, and it is most essential that such visitations should not be made at stated periods which should be previously known and provided for, but the medical and legal visitors should have power and be under the obligation to so time and vary the periods of their visits that every person having charge of lunatics should be always in expectation of them. I think your Lordships will agree with me that with the great body of persons requiring this superintendence we cannot have that duty effectually performed unless the Lord Chancellor shall have under his control at least three persons whose time shall be exclusively devoted to this service, and for whose remuneration a small graduated charge upon the incomes of lunatics would amply provide. I will not fatigue your Lordships upon other details which are in this Bill, which, although less important than those I have already specified, will, I think, be found a salutary amendment of the law. The necessity for these changes is shown by experience, as the existing law was an improvement upon the state of things which previously existed. These alterations are, I believe, greatly required at present, but in no respect so much as in respect to the form of procedure which I have ventured to propose for all contested cases of lunacy—that the ordinary rules and principles of evidence adopted in all other cases should be followed, instead of allowing lunacy cases to be an anomaly in our judicial procedure. I think even that the nature of the subject requires an adherence to the rules of evidence more urgently than in other cases of judicial inquiry. I will not further trespass upon your Lordships, and I trust that the observations I have addressed to you will not be found unacceptable to your Lordships' judgment.

The noble and learned Lord then *presented* a Bill to amend the Law relating to Commissioners of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.

LORD ST. LEONARDS said, he must express his satisfaction that the noble and

learned Lord had taken up this subject, which undoubtedly was one requiring notice. He had always taken a deep interest in the subject, and wished to make a few observations, although he had not yet seen the Bill. He was glad to hear the noble and learned Lord on the Woolsack speak in favourable terms of the manner in which the late case, which had attracted so much attention, had been tried. No doubt such prolonged proceedings required a remedy; but, upon behalf of his learned Friend who presided at that trial, he felt bound to notice an opinion that had been generally expressed, that he was wrong in not allowing Mr. Windham to be examined immediately after the petitioners had closed their case. There could be no doubt, that had that been done, and if the result had been favourable to the young man, a great part of the enormous expense of the trial would have been saved; but the ground upon which his learned Friend went—and which he (Lord St. Leonards) thought was a proper ground—was, that if the weight of evidence that had been laid before the jury, travelling through the whole of the young man's life, and in many parts telling strongly against him, had been left unanswered, and Mr. Windham had at once been examined, in all probability he would have been found incompetent to manage his affairs. Everybody who read from day to day the evidence in reply must have exclaimed, as he did, "How the petitioners' case is breaking down!" and therefore he thought the learned Master had pursued a perfectly proper course, and one which led to the right result. Whether Mr. Windham was ruined or not was not a matter for the Court; all that it could regard was the due administration of justice. A verdict against him might have saved him from further ruin, but that circumstance could have no weight with the jury who, to save him from ruin, must on their oaths have found him of unsound mind, so as to be incapable of managing himself and his property. His noble and learned Friend had proposed that when a person's sanity was impeached, and a jury was called for, the cases should be tried before a Judge in the ordinary form of procedure. Without wishing to disparage the Masters in Lunacy, he (Lord St. Leonards) could not help thinking that a common law judge, with his experience in the exercise of his functions before juries, and

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sitting with all the solemnities of a court of justice, would have a greater control over the cause and counsel than any Master in Lunacy, however able. Questions of lunacy were questions of fact, whether the alleged lunatic was not sufficiently sane to take care of his property—and the question should be tried as one of fact. The Bill of 1853 did not require unanimity in the jury, but only that twelve out of the twenty-three should agree, and the majority decided the case. Even by the Bill of 1853 power was given to the Lord Chancellor, if he thought fit, to issue a special commission in any case, directed to any person he chose to select. In ordinary cases the jurisdiction of the Masters was attended with great advantage. The Bill of 1853 provided for that which had never been provided for before, because, in order to prevent improper trials of lunacy, it required the Lord Chancellor to see the alleged lunatic in any case of doubt; and if the Lord Chancellor believed from his own inspection that the fact of lunacy was beyond all question, he was not compelled to send the case before a jury. Thus, the present law already furnished one great safeguard against useless expense. A case like that of Mr. Windham, where, although the young man had many vicious habits and was addicted to low society, he moved about the world with the ordinary evidence of sanity, but where his family desired that he might be found a lunatic, was obviously a case which would lead to an enormously costly contest, a vast waste of public time, and a great deal of public scandal. If the alleged lunatic in a case of that kind demanded a jury, he could not be refused one; but in nine cases out of ten there was no difficulty, the person concerned being either manifestly subject to delusions or utterly incapable of managing his own affairs. One of the propositions of his noble and learned Friend was somewhat startling—namely, that by which he proposed to limit the inquiry into the capacity or incapacity of the person in question to the period of two years; and this proposition, he ventured to think, would require great consideration—it was very doubtful whether two years would not be too short a period for many purposes. The continuing the inquiry in the case of Mr. Windham from the time of his infancy down to the time when the inquiry took place was an abuse



such as ought to be stopped ; but in many cases where a man was found insane it was necessarily a question for the jury how far they carried that insanity back. Sometimes the great contest was whether a will was to be supported or destroyed ; and in such a case the question was not simply what the jury thought of his state of mind at the time of the inquiry, but what was his state as to sanity six or seven years before, when he made the will. Such a finding, it was true, would not be binding in reference to the property, because afterwards the question might be tried by those having an interest in it ; but still the finding was a guide to the Lord Chancellor how to deal with the matter. What would require still more consideration was the proposition of his noble and learned Friend that the alleged lunatic should in the first instance be examined by the Judge before whom and a jury the question of his sanity was to be tried. At present the Lord Chancellor could see the alleged lunatic who demanded a jury, and see whether his was a fit case for inquiry or not ; so that the Lord Chancellor already had power to prevent the expense of trial being incurred where it was not necessary ; but the present proposition went so far as to include every case where a man demanded to be tried. It would be a very singular proceeding, if before a Judge and jury had heard a single word of evidence a man who had his liberty, his property, and everything he held dear at stake, should be called into Court, and examined in the manner proposed. It must also be borne in mind that the accusation must be brought forward upon affidavits which satisfied the Lord Chancellor that there was a *prima facie* case for inquiry ; so that the accused went to trial marked as a man charged with lunacy upon affidavits. In the case of Mr. Windham there might have been a doubt whether he was simply a young man of vice and folly, living in the worst possible taste ; or whether he was insane. The affidavits before the Lord Chancellor would, of course, show all the circumstances ; but the jury would, at the commencement of the inquiry, know nothing except the charge against the person. He was not giving any decided opinion in reference to this Bill, but only throwing out a few observations which occurred to him upon hearing the matter stated for the first time. His noble and learned

Friend proposed to a certain extent to exclude the doctors from giving evidence ; and he (Lord St. Leonards) agreed that nothing was more dangerous than that their theoretical opinions should be applied to the given acts and deeds of any man, and then to try him upon the application of the theory of the medical man to the acts proved. Doctors very often differed ; there was opinion upon both sides, as in the case of Mr. Windham, who was said to be almost an idiot upon the evidence of some medical men, whilst others said that they believed him to be sane. It was dangerous to trust to such evidence, and the common law Judges had often told scientific men who ventured to express their theoretical opinions in the witness-box that they were not examined to state their opinions dogmatically, but to give their evidence upon matters of fact for the guidance of the jury. His noble and learned Friend desired to draw a line marking the cases in which this scientific evidence should be received, and those in which it should be excluded ; but it would be exceedingly difficult to draw any such line. In the celebrated case of Mrs. Cummings, he himself, when Lord Chancellor, saw her alone, and found her, so far as conversation was concerned, perfectly rational ; he told her the expense of having a Commission, and explained the matter to her, and she appeared perfectly to understand it ; but when she said that she was determined to traverse the allegation of insanity, he could do nothing but allow the case to go to a jury. His noble and learned Friend, in other parts of the procedure, appeared to contemplate rather an extension than an alteration of the Bill of 1853. He must remind his noble and learned Friend, that if he succeeded in his present effort, he could not expect an eternity of success. The Bill of 1853 had been brought forward during the time the noble Earl (the Earl of Derby) was at the head of the Government ; he (Lord St. Leonards) had carried it through after his noble Friend left office. And he congratulated the House that the measure then introduced had proved to be the most perfect scheme of administration in lunacy which had ever existed in this country. His noble and learned Friend proposed certain relief in cases where the capital or income of lunatics was very small ; but even now the Lord Chancellor had the power of remitting the fees, and of af-

fording summary relief where the capital or income was small; therefore the proposal of his noble and learned Friend in this respect was rather an extension of the Act of 1853 than a new rule. With regard also to the visitation of Chancery lunatics, his noble and learned Friend called for an increase in the number of visitors; but already, under the Act of 1853, he had the exact number of visitors he proposed now to have. Of course, if it was necessary that the medical visitors should devote more of their time to the examination of the class of patients called Chancery lunatics, he would be the last man to wish their duties to be perfunctorily and not properly performed. The whole subject was one to which both here and in Ireland he had given much attention, and he could not allow the Bill of his noble and learned Friend to be read a first time without making a few observations. He entirely sympathized in the common object of doing all that could be further done for the amelioration of the unhappy patients themselves and lessening the expense of procedure.

LORD CRANWORTH said, he did not think this a subject which it was possible for their Lordships to discuss adequately—he might say safely—until they had the detailed measure before them. However clearly his noble and learned Friend always stated every case, it was impossible to follow his statement with sufficient accuracy to be able at once to give an impartial opinion on the subject. That being so, it was quite unfit that any noble Lord should commit himself on a matter upon which, when he looked into the Bill in a printed form, he might regret that he had pronounced a decided opinion. He rather agreed with some of the suggestions just made by his noble and learned Friend opposite (Lord St. Leonards). As to medical testimony, he could not think it possible by any enactment to exclude it. How common was this occurrence? During a great portion of the evidence a person appeared to be of perfectly sound mind, but then came a witness familiar with the subject, and before ten sentences were uttered the alleged lunatic was seen to be insane. A non-medical man did not know how to make the patient display his insanity. Medical men did. The danger was, if the trial was presided over by a person not quite competent—and he by no means meant to express such an opinion as to the learned person who had recently

*Lord St. Leonards*

presided over a tribunal of this kind—but unless the Judge who presided was very much on his guard, he might allow the jury to give too much weight to the medical testimony, which, nevertheless, must be admissible. His noble and learned Friend proposed that these trials should be presided over in future by one of the ordinary Judges of the land; and, probably, without any disrespect to the Masters in Lunacy, they would be better able to conduct those inquiries. He was very much inclined to concur with his noble and learned Friend that it was desirable *primâ facie* to have some limitation as to the time to which they should carry back these inquiries; but it was impossible to limit the period strictly, or to lay down any absolute rule. There might be a case in which a man might have been insane down to the commencement of the two years, and become sane immediately afterwards; or the object of the inquiry might be to ascertain whether a particular will, three or four years ago, was made by a sane or insane person. The circumstances which had recently happened fully justified his noble and learned Friend in introducing some measure with the view of improving the law; but he was far from thinking that the slightest slur could thereby be intended to his noble and learned Friend opposite or to his Bill of 1853, which was one of the greatest improvements that had ever been introduced into the law on this subject.

LORD CHELMSFORD said, he also was exceedingly glad that his noble and learned Friend had taken the subject in hand; it was, however, one of such difficulty as well as importance that it was impossible properly to enter fully upon the discussion at present. The circumstances connected with a recent trial, the length and expense of that investigation, had naturally called public attention to the state of the law, and his noble and learned Friend had felt it his duty to propose an alteration in it. Now, with regard to the circumstances connected with that inquiry, it did not appear to him that his noble and learned Friend attained any great advantage by changing the tribunal from a Master in Lunacy to one of the Judges of the superior courts. A circumstance, indeed, occurred on the recent inquiry which he could not help regretting, and here he differed in opinion from his noble and learned Friend (Lord St. Leonards),



because he always thought that where an inquiry of this kind took place, where a petition was presented and a commission of inquiry was issued, the production of the alleged lunatic was a part of the petitioner's case, and he ought not to be allowed to conclude his case without presenting the alleged lunatic for examination by the jury. His noble and learned Friend said that in the inquiry into the sanity of Mr. Windham, evidence having been given strongly denoting unsoundness of mind, it would have been an unfair thing to produce him immediately after that evidence, because the jury would naturally be prejudiced by it, and would have formed a conclusive opinion against him. But they surely would not have come to a conclusion without having first heard the alleged lunatic's case; and if, on the other hand, their opinion had, at that stage of the examining his numerous witnesses would of case, been in his favour, all the expense have been spared. How could a Judge of a superior court prevent the expense in such a case as that of Windham? He might, no doubt, have more authority over the counsel than the Master in Lunacy, but it was impossible that he could check the amount of evidence to be produced on one side or the other, nor the speeches of counsel. The appointment of such a Judge to deal with the matter would also limit the choice as to the place of inquiry. It was constantly necessary to hold an inquiry at the residence of the alleged lunatic; but if this matter were to be tried by a Judge of the superior courts, it would be difficult for him to find a proper place for him to erect his tribunal. At present, if the inquiry were deemed unsatisfactory, an application might be made to the Lords Justices, who might quash the whole proceedings, and direct a fresh inquiry. There had recently been passed an Act empowering the Judge in equity to inquire into both the law and the fact of the case before him; but that Act was only permissive. It was probable, however, that in a very little time they would have a Bill before them proposing to make it compulsory upon the Judge in equity to decide upon the law and the fact, and, if necessary, to summon a jury in order to effect that object. If such a Bill should pass into a law, he saw no reason why the Lords Justices, who directed the commission, should not themselves undertake the trial of the important question at issue. If the Lords Justices should try the ques-

tion, it would be final, and thus all the expense of a renewed investigation would be prevented. It therefore appeared to him necessary that the Lord Chancellor should consider that point before he moved the second reading of his Bill. He thought it would be difficult to limit the time to which the inquiry was to refer, or the evidence that was to be given by the medical witnesses. It was no unusual thing to see medical men of the highest character giving opinions of a totally different kind; but this was also the case in regard to the evidence of surveyors, the evidence in patent cases, collisions at sea, and other questions of mere opinion. Those points, however, would be the subject of consideration hereafter. He could only say that he was anxious to afford his noble and learned Friend all the assistance in his power to render the Bill as perfect as possible, but it would require the most careful consideration.

THE LORD CHANCELLOR said, he deprecated nothing so much as suitors being bandied from one side of Westminster Hall to the other; but he thought that the Lords Justices could not fail to derive an impression from the antecedent inquiry which determined whether there was a *prima facie* case, which would render them scarcely the proper tribunal to conduct the subsequent trial. In limiting the nature of the medical evidence, he did not intend to cast any reproach on that profession. He only wished to exclude those loose speculations which were most improperly called testimony, and which ought never to be received as such.

Bill read 1<sup>a</sup>.

House adjourned at a quarter past  
Seven o'clock, till To-morrow,  
half-past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, February 27, 1862.*

MINUTES.]—NEW WRIT ISSUED.—For Canterbury, *v.* the Honourable Henry Butler Johnstone, Manor of Northstead.

NEW MEMBERS SWORN.—For Gloucester City, Honourable Charles Paget Fitzhardinge; Berkeley; for Gloucester City, John Joseph Powell, esquire.

### WESTMINSTER BRIDGE.—QUESTION.

MR. THOMSON HANKEY said, he wished to ask the First Commissioner of Works, When Westminster Bridge will

be completely open for public use, and when the houses on the south side of Bridge Street will be removed; and whether there is any objection to a Carriage Entrance from the foot of Westminster Bridge to the House of Commons?

MR. COWPER: Judging, Sir, from the present state of the works at Westminster Bridge, I think there is every reason to hope that it will be open for public use early in the month of May. The houses on the south side of Bridge Street are pulled down as they come into the possession of the Office of Works. I am not, however, able to state any precise date at which the whole of that number of houses will be in our possession. With reference to the proposal of the Member that carriages shall be allowed to enter New Palace Yard from the bridge, I can only state, that when the ground has been levelled which was previously occupied by the houses near the Clock Tower, there will be no difficulty I apprehend, as regards the ground, in admitting carriages. Whether it would be convenient to do so, as regards the approaches to the Houses of Parliament, is a matter on which I should be anxious to consult you, Mr. Speaker, before giving any answer.

SIR HENRY WILLOUGHBY said, he would beg to ask the right hon. Gentleman the First Commissioner of Works whether he has determined to allow the leases of those houses to run out?

MR. COWPER: The leases are for various terms—some for two years, some for a longer period. I am anxious, in deciding on the mode of dealing with the tenants, to consider both economy and utility. I am not at present aware to what use the ground on which the houses stand will be put, and therefore I should not be inclined to give any unnecessarily high price for the land. But negotiations are going forward both with regard to the freehold and also the interests of tenants in the houses.

#### INDIAN MEDICAL OFFICERS.

##### QUESTION.

MR. BAZLEY said, he desired to ask the Secretary of State for India, When his promise to place the Medical Officers of Her Majesty's Indian Army upon a perfect footing of equality with the Medical Officers of Her Majesty's British Army will be carried into effect; and to inquire the reason why Medical Officers of Her Ma-

esty's Indian Army have been so long deprived of Commission, Substantive Pay, Furlough Pay, and Retiring Pensions, according to their relative rank, but which have been granted to the Medical Officers of the British Army, both at Home and in the Colonies, ever since the 1st day of October, 1858.

SIR CHARLES WOOD said, he was not disposed to admit the correctness of the statement of facts implied in the question of the hon. Member. A Warrant was some time since issued, putting the Medical Officers of both services on as nearly the same footing as to rank and social standing as possible. With regard to Pay and Pensions, they were totally different in the Queen's service and in the Indian service. To put them on the same footing would be in some cases little advantage, and in others to the disadvantage of the Indian Service. Arrangements were in progress for assimilating the two services in this respect, but it was impossible at present to proceed further, as the Government was waiting for information which they expected from India.

#### REGISTRATION OF BIRTHS AND DEATHS (IRELAND) BILL.—QUESTION.

COLONEL DUNNE said, he wished to know whether it is intended to proceed with the Bill this evening.

SIR ROBERT PEEL said, he had to express his regret that the Bill had not been delivered till that morning. But, as the subject had been before the House both in 1859 and 1860, he thought hon. Members would not object to the second reading.

MR. BERNAL OSBORNE said, he must remind the House that a pledge had been given by the Home Secretary the previous evening that the Bill would not be proceeded with.

SIR GEORGE GREY: I stated, Sir, that if the Bill were not printed it would not of course come on. But I told the hon. Member who asked the question that I thought he had better communicate with the right hon. Gentleman the Chief Secretary for Ireland.

MR. HENNESSY said, the House ought now to have some positive declaration of the intention of the Government.

SIR ROBERT PEEL said, for the convenience of hon. Members, he would postpone the second reading to Monday next.

On the Motion for going into Committee of Supply,

*Mr. Thomson Hankey*



## EDUCATION—THE REVISED CODE OF REGULATIONS.

## QUESTION.

MR. AYRTON said, that he rose to ask the question of which he had given notice. If hon. Members were to judge from the letters, pamphlets, and other communications which had poured in upon them from all quarters, no topic had, for some time past, excited so much attention as the Revised Code of Education. He therefore wished to elicit from the Government the course which they intended to pursue on this important question. Some three years ago, to pacify the discontent then existing, a Commission on the subject of education was issued, and the Government so far acquiesced in its Report condemning the present system, as to propose a new one. That new plan had been brought forward at the close of last Session, but after six months' consideration the Government were so dissatisfied with their own former conclusions that at the beginning of the present Session they introduced another scheme. It might, therefore, be fairly admitted that the subject was one of the greatest difficulty and surrounded with the gravest doubt. The Government, however, announced that their latest proposition was intended to be a permanent arrangement, in substitution for the existing system, which they had regarded as only temporary in its character; and they also assumed an attitude towards the House which he ventured to think was most inconvenient. They did not propose, on their own part, to invite the House to consider the question itself except according to the usual and strictly formal manner of asking the House to vote the funds necessary to carry out the design. To any hon. Member who might desire to suggest any change in the existing system such a course was most unsatisfactory, because in Committee of Supply the only question which could be put from the Chair was "Aye" or "No" as to the granting of the money. It would not be competent to propose a resolution defining the exact mode in which the supply ought to be expended; the House would be asked either to endorse the proposition of the Government, or to refuse the supplies necessary to carry out their educational plan. The right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) had undertaken the difficult task and grave responsibility

of endeavouring to extricate the House from the embarrassing position in which it had been placed by the Government, and the course he had adopted was one that commended itself to the consideration and support of the House. He had not taken the personal and, he might say, selfish course of inviting the House to resolve itself into Committee to consider some plan or scheme of his own; but he had taken the more generous and more general course of inviting the House to resolve itself into Committee for the purpose of considering how the public funds ought to be appropriated in furtherance of education, leaving it open to any Member of the House to submit any resolution on the subject which might appear to him advisable. That was a course which he thought was marked by extreme fairness on the part of the right hon. Gentleman towards hon. Members. He thought, therefore, that the House was entitled to ask the Government what course they intended to pursue with reference to the proposition placed on the table by the right hon. Gentleman the Member for the University of Cambridge. It seemed to him that it was open to the Government to treat the Motion of the right hon. Gentleman either as one of form or one of substance. They might say that it was a question of form only, inasmuch as it was a proposition that the proper and legitimate course should be taken to enable the House to consider the subject to be brought under its notice—namely, that of national education. According to the forms of the House, they could not discuss the question of education except in a Committee of the whole House. They could not discuss resolutions in detail, and propose amendments in detail, except in a Committee of the whole House. The object of his remarks was to induce the Government to treat the Motion of the right hon. Gentleman as one of form, in common fairness to all the Members of the House who desired to take part in the discussion on national education. They might, if they liked, treat it as one of substance; but then on what footing must they put the question? They might say that, having revised and re-revised the Minute, they were so satisfied with the document that they would stand by it as a whole; that they would have the Minute or nothing but the Minute; and that they would not allow the House to go into Committee for the purpose of altering it in

any way. That, he thought, would be a most unsatisfactory course, and one calculated to excite hostility to their position. Besides, it would be one totally uncalled for by anything that had occurred, and it could not be attended by any good result. It would be most unfair to the right hon. Gentleman the Vice President of the Committee of Council, who had, on the floor of the House, gone into the question of education with detail and minuteness, and who seemed to have challenged the assent of the House, not to the Minute as a whole, but rather to the Minute in its minutest details. The right hon. Gentleman had even intimated that he would be prepared to accept amendments, and that he did not stand in the disagreeable position of demanding that the House should accept everything which the Minute contained. He would explain the reasons why he asked the course which the Government proposed to take—

MR. SPEAKER: I must point out to the hon. and learned Member that to invite a discussion on the course to be pursued with reference to a Motion for which a day has been fixed will be exceeding the bounds of order.

MR. AYRTON said, that he would ask the Government, Whether they were prepared to assent to the course proposed by the right hon. Gentleman the Member for the University of Cambridge—namely, that the House should resolve itself into a Committee of the whole House to consider the best mode of distributing the Parliamentary grants for education administered by the Privy Council? If they did not wish to give an answer with reference to the Motion of the right hon. Gentleman, then he would ask them in more general terms what plan they intended to propose to the House? An assurance from the Government on that point would relieve hon. Members from the embarrassment in which they were at present placed. He had given notice of his intention to ask the right hon. Gentleman the Member for the University of Cambridge, whether he would immediately lay on the table the resolutions which he intended to move in Committee; but he could not expect the right hon. Gentleman to answer that question till he knew what course the Government intended to adopt. Indeed, he should deprecate any Resolutions being laid on the table until they knew whether the House was to go into Committee. Such a course would be in the last degree unfair; for, if

any resolutions were laid on the table, hon. Members could not remove from the mind of the public who were not conversant with Parliamentary proceedings the impression that in voting for the Motion to go into Committee they were voting for the Resolutions themselves. The vote for going into Committee would be inseparably connected with the resolutions, though an hon. Member might be very anxious for the House to go into Committee, and yet not approve the right hon. Gentleman's propositions. Under these circumstances he hoped the Government would give the House the information for which he now asked them.

SIR GEORGE GREY: Sir, It is very inconvenient, on the order of the day for going into supply on the Navy Estimates, to enter upon a discussion as to the course to be taken with respect to a Motion of which notice has been fixed for, I think, a month hence; and I think it is manifestly inconvenient to ask the Government to state their intention as to propositions of which my right hon. Friend has not yet given notice.

MR. WALPOLE: I have given notice of my Motion.

SIR GEORGE GREY: But my right hon. Friend has not laid his Resolutions on the table. In a private conversation which I had with him the other night, my right hon. Friend asked me what course the Government were likely to take with regard to his Motion. Speaking only for myself, I stated that in my opinion that would depend on the nature of his Resolutions, and that I took it for granted he would lay them on the table in sufficient time to enable us to consider them before the Motion came on. My right hon. Friend did not give me any decided answer. When my right hon. Friend lays those Resolutions on the table, the Government will be in a position to state what course they intend to pursue with respect to his propositions. If he does not lay them on the table before moving that the House resolve itself into Committee, the proper time for the Government to state what course they will take in reference to his Motion will be when my right hon. Friend has stated the reasons which have induced him to bring it forward.

MR. BERNAL OSBORNE: Sir, I think that the confusion of which the hon. Member for the Tower Hamlets (Mr. Ayrton) complained has been created by his own mode of putting the question.

*Mr. Ayrton*



Before putting his question to my right hon. Friend the Vice President of the Council of Education, the hon. Member should have first put the question to the right hon. Gentleman the Member for the University of Cambridge; because it is quite evident that my right hon. Friend the Vice President of the Council of Education cannot give an answer until he knows the nature and purport of the Resolutions. I shall now, with the right hon. Gentleman's (Mr. Walpole's) permission, put the question of which I have given notice—namely, When the right hon. Gentleman will lay upon the table of the House the Resolutions on the Revised Minute of Education which he contemplates moving in Committee of the whole House?

MR. WALPOLE: Sir, The question put to me by the hon. Gentleman renders it necessary for me to explain the reasons which induced me to give notice of the Motion in the form in which it now stands. In the first place, I believe I have adopted the form which this House has generally, if not universally, considered to be the best in reference to questions of this kind. In the second place, I put it in that form in order that the House might see that I did not wish to go into Committee on any specific plan of my own, but in such a way that every hon. Member might have an opportunity of putting forward his views on the subject. I think that, when the right hon. Gentleman the Vice President of the Committee of Council submitted his Revised Code, I suggested that it would be better to go at once into Committee of the whole House, in order that we might have an opportunity of considering this complicated matter in detail, and in order that such explanations might be given and such amendments adopted as the House in Committee might deem desirable. The right hon. Gentleman the Secretary of State for the Home Department suggested that there were two courses open to us; the one was to submit the Motions which should be submitted on the new Code when the Estimate was moved for, and the other to move an address to the Crown on the subject, embodying in that address the alterations that I thought should be made in the code. Now, as to the first of these courses, I should have been precluded, and the House would have been precluded, from considering in detail a most complicated matter. As to the other course,

perhaps I feel rather strongly on it, because I succeeded in carrying an address to the Crown on the subject of national education in Ireland, and I was told as a reason why that address was attempted to be varied—although it was never rescinded—I was told by no less an authority than Earl Russell that it was very inconvenient to carry by one Motion an address to the Crown on so important a subject as that which I had submitted to them, without giving the House a second opportunity of reconsidering the matter. Now, observe, here is the question of education again. If the Government would only consider that they might go into Committee of the whole House for the purpose of discussing the question I have submitted—not the Revised Code, but the best mode of distributing the Parliamentary grant—that would enable the House to consider the question, first of all, in detail in Committee; secondly, to adopt such Resolutions as they might think advisable; and, thirdly, to have a Report on those Resolutions, with you, Sir, in the chair, which would enable the House to confirm what the Committee had done. Those are the reasons that have induced me to take that course. The hon. Gentleman is aware that I have followed the precedents, as closely as the present state of things have allowed me to do. Earl Russell, when he gave notice of his Resolutions on education generally, gave notice simply in this form—"Resolutions on Education, to be moved on such a day." He had to move twelve Resolutions. I do not recollect that the noble Earl gave notice of one of them. When the matter came on for discussion, what did the House do? Instead of appointing a day for considering the Resolutions with you, Sir, in the chair, the House pressed him to go into Committee of the whole House, that they might consider the Resolutions in Committee. Then on that day, the 6th of March, the noble Earl gave notice that on the 10th of April he should move to go into Committee of the whole House to consider the Resolutions in detail. What happened then? The Government were neither prejudiced by nor bound by them. The first question put was, whether the Chairman should leave the chair—in other words, whether the Resolutions should be adopted or not; and the House voted that they did not approve any of the Resolutions, and they therefore adopted the Motion that the Chairman should leave the chair. One

word more. If I were endeavouring to upset the Revised Code proposed by the Vice President of the Education Committee, I should have proposed, Sir, simply one Resolution for you to put from the chair—namely, that it is not expedient to adopt that Revised Code, leaving the Government to amend it as they pleased. But I am not prepared to make that Motion, nor do I desire to upset the Revised Code. If I were prepared to accept the Revised Code exactly as it now stands, I would not trouble the House with these observations; but as I sincerely believe that, without upsetting the Revised Code altogether, material and beneficial alterations and improvements may be inserted in it, all I intend to ask the House is, that on that day it will be kind enough to go into Committee for the purpose of considering the whole question of Parliamentary grants for education. That course will enable other hon. Members as well as myself to propose such alterations as they may think necessary. Under these circumstances, the hon. Member will see that, according to the established practice of this House, I shall not be able to give notice of the Resolutions until I know whether the House will agree to go into Committee. If the House agrees to go into Committee, I will give the amplest notice of the Resolutions I intend to propose, and I will take care that the House has full time to consider them before any discussion takes place.

MR. W. E. FORSTER said, that he thought the House would be better able to debate the question in open Committee of the whole House. He felt a deep interest in the subject of education, and he trusted that the Government would accede to the proposition of the right hon. Gentleman (Mr. Walpole), and take the Revised Code in detail.

MR. LOWE: I fear, Sir, that some misunderstanding prevails in the House on this subject. If we go into Committee of the whole House, I apprehend there is no distinction between an open Committee and a close Committee. When we are once there, it is competent for any hon. Member to move any Resolution he may think proper. Therefore, if the right hon. Gentleman gives notice of his Resolutions, any other hon. Gentleman would not be precluded from moving any other Resolutions he might think desirable. The Government have not the least wish to avoid discussion, and, for my own part, I do not

think the subject could be so conveniently discussed as in Committee. The Government are anxious to meet in spirit the views of the right hon. Gentleman (Mr. Walpole) in every respect, but they think this will be best done by the right hon. Gentleman informing the House of the nature of the Resolutions he intends to propose for the purpose of amending the measure of the Government.

MR. DISRAELI: I certainly think, Sir, that a misconception prevails on this point, although it appears to me exceedingly strange that it should have arisen. The right hon. Gentleman who has just spoken says, it would be very convenient, before we go into Committee, that we should be in possession of the Resolutions about to be moved by my right hon. Friend or any other hon. Gentleman. Well, we all agree that it would be very convenient, if we go into Committee on the general question of education, that we should be in possession of these Resolutions of my right hon. Friend. But the question that does not appear to be settled is, whether we are to go into Committee? If the right hon. Gentleman will tell us that it is not the intention of the Government to oppose the original Motion of my right hon. Friend, and that we shall have the great advantage of considering this important question in Committee of the whole House, I will undertake to say that my right hon. Friend will lay his Resolutions on the table in ample time, and we shall expect the same from any other hon. Member who may intend to bring forward a Motion on the subject. But I did not collect from the right hon. Gentleman the Vice President of the Education Committee, nor from the right hon. Gentleman the Secretary of State for the Home Department, that the Government are prepared to grant the Committee; and unless they are so prepared, their observations are not founded on any solid basis. It is our opinion, and it is an opinion by no means limited to this side of the House, that it is absurd to make a party question of the most convenient mode of considering the complicated question of popular education in a Committee of the whole House. I think the feeling is general that it would be highly convenient to consider the question in Committee of the whole House. If it is to be considered in Committee, all that Gentlemen who have Resolutions to propose have to do is to lay them on the table in ample time for consideration. If the Government are

*Mr. Walpole*



prepared to tell us they consent to the Committee, all misapprehension will be removed, and it will be in the power of the Government themselves to understand the question.

MR. CARDWELL: Sir, I think the matter stands thus—the Motion to be made on the 25th of March is, that on a future day the House will resolve itself into Committee; before that future day arrives, the right hon. Gentleman has stated that he will lay his Resolutions on the table of the House.

MR. WALPOLE: Will the right hon. Gentleman permit me to explain? My Motion is, that the House should go into Committee on a future day, in order that there may be an interval between my Motion and the Committee, during which hon. Members may consider the Resolutions. If the Government will state that they do not intend to oppose the Motion for going into Committee to consider the Parliamentary grant, I will alter my Motion, and, instead of moving that the House go into Committee on a future day, I will move to go into Committee at once.

MR. CARDWELL: There can be no objection to the first Motion, that the House will on a future day resolve itself into Committee, because there will be an opportunity on that future day of debating the question whether the House will go into Committee or not. As I understand my right hon. Friend, he proposes that a subsequent day shall be named for the express purpose of enabling him to lay his Resolutions on the table, and giving the House and the Government an opportunity of considering them. That being so, the first Motion will be merely formal, and there will be no objection to its being made.

SIR JOHN PAKINGTON: Sir, I must say that the right hon. Gentleman who has just resumed his seat has by no means made the state of the question clearer. I cannot understand how there can be any misconception on the subject. It appears to me that there never was a plainer question before the House. My right hon. Friend the Member for the University of Cambridge has given notice that on the 25th of March he will move that the House go into Committee on a future day, to consider certain Resolutions on the Revised Code. The Government have been asked the most simple question—namely, whether they will or will not assent to that Motion. Will they give a

plain answer to a plain question? The course of my right hon. Friend is perfectly clear. If the Government will say that they have no objection to go into Committee to consider the Resolutions on the subject of the Revised Code of Education, then my right hon. Friend will alter his Motion, and instead of moving to go into Committee on a future day, he will move to go into Committee at once; and before he makes that Motion he will give ample notice of the Resolutions which he will be prepared to bring forward. Surely that is clear enough, as one alternative. What is the other alternative? If the Government say, "No; we have given you our Code; this is our plan, and we shall resist the Committee," then the House will not see my right hon. Friend's Resolutions until the Motion for going into Committee is first disposed of.

SIR GEORGE GREY: Sir, I understood my right hon. Friend to say, that if the first Motion were agreed to, he would then give notice of his Resolutions, and there would be a preliminary debate if necessary. If that is so, there will be no objection.

MR. WALPOLE: Sir, I have no objection to either of these two alternatives. I would let my notice of Motion stand as it is, and on the 25th of March move that on a future occasion the House should go into Committee on the question. Supposing the House assent to that Motion, it would become an order of the day for the House to go into Committee on the day appointed, and in the interval I would give notice of the Resolutions which on that future day I would submit to the Committee. But, in consequence of this discussion I am prepared to say, that if the Government find it consistent with their duty to say, that, without affirming or disaffirming any of the Resolutions, they will not object to go into Committee for the purpose of considering only this question of the distribution of this Parliamentary grant for educational purposes, I will alter my Motion, and instead thereof move, on the 25th of March, that the House at once resolve itself into such Committee; and, in that case, I will give at least a fortnight's notice of the Resolutions which I intend to submit.

SIR MINTO FARQUHAR said, the question was most important, and one in which the House took the greatest interest. He feared that the course which had been taken in the House would have

an unfortunate effect in the country. Non-Members on that (the Opposition) side of the House were anxious to approach the question in the fairest and most impartial manner, and without party feeling; but he was afraid that when the present discussion went forth to the public, it would be supposed that the Government were so deeply attached to the Revised Code that they had even hesitated about allowing it to be discussed. He hoped, however, that the difficulty was now cleared up.

LORD JOHN MANNERS: Sir, I wish I could agree with the hon. Baronet, that the point is cleared up. Though my right hon. Friend the Member for the University of Cambridge has stated, in the most clear and distinct terms, his readiness to adopt either of the alternatives he has proposed to the House, up to this moment the Government have not replied to his offer, by stating that they will adopt either the one or the other. I hope some Member of the Government will state whether the House is to be allowed to go into Committee of the whole House on the question of education or not.

SIR GEORGE LEWIS: Sir, I rose at the same time as the noble Lord to state the view of the Government upon this subject, which seems to me to have given rise to an unnecessary amount of debate. I admit the fairness of the course proposed by the right hon. Gentleman, and the fairness of spirit in which the House has met the question, and I will at once state that the Government are ready to accept the first alternative.

MR. DARBY GRIFFITH: Sir, I wish it to be understood whether it is the first or the second alternative that the Government propose to accept. I understand the notice is to be left as it stands. Is that so? I ask the Government to tell us, in distinct terms, what is the plan they accept, No. 1 or No. 2.

SIR GEORGE LEWIS: Sir, I may perhaps be allowed to explain that of the two alternatives stated by the right hon. Gentleman the Government are quite ready to accept the first. If hon. Members do not understand that which appears to me to be very clear, perhaps the right hon. Gentleman will be good enough to repeat his proposals.

MR. HENLEY: Sir, taking the *variorum* statements of the Treasury bench, I think they amount to this:—That my right hon. Friend has a notice to move on a given day, that the House will on some other given

*Sir Minto Farquhar*

day go into Committee on the distribution of the Education Grant, and the Government, as I understand, adopt that alternative. The Government have coupled therewith rather an ominous kind of condition, by the mouth of the right hon. Gentleman the Chancellor of the Duchy of Lancaster, who said, "When we come to that second day, then we can move that the Speaker do not leave the chair." So that, in point of fact, it will be a kind of game at cards, saying with the one hand, "We will let the House go into Committee;" that is, "We will assent *pro forma* that the House go into Committee in a month or fourteen days hence; but when the time is up, we will with the other hand refuse the Committee." I do not think that is a desirable state in which to leave the question. I wish to approach the question in the most dispassionate manner. It is to the public advantage that it should be so approached, and I believe it can only be fairly discussed by going into Committee. I implore the Government not to play with the forms of the House and thus create a disturbed feeling amongst us, owing to which this subject may not be debated in the dispassionate manner which we all think so desirable. It is clear that so complicated a question can be sufficiently discussed only in Committee; and I hope the Government will, without circumlocution, say, "We will go into Committee of the whole House, and then discuss the question."

Motion agreed to.

#### SUPPLY—NAVY ESTIMATES.

House in Committee.

MR. MASSEY in the chair.

Motion made, and Question proposed,

"That a sum, not exceeding £170,832, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1863."

MR. LINDSAY said, that the Vote under consideration was increasing at a very rapid rate; it was upwards of £170,000, and it had increased by £36,000 within the last few years. It was proposed that five new appointments should be made. There was to be a librarian at £150 a year, there was to be an acting constructor at £800, there was to be a Deputy Accountant General at £900, a new chief clerk in the storekeeper's department at £850, and an officer and secretary to con-



trol the transport service at £2,000. If once those Votes were passed, they became fixed and could not be got rid of. With regard to the transport service, if the Government really intended to consolidate it, taking in the Colonial and Indian departments also, he would have no objection to the Vote. But if they intended to make no greater change than a separation of the transport from the victualling department, the new appointments would be created without effecting any useful object, and he should oppose the Vote. He did not consider £900 per annum to be too much for a chief constructor; but having that officer and also a constructor, what did they want with an acting constructor, with a salary of £800? Was it intended that the latter should do all the work? He was satisfied that the appointment was totally unnecessary, especially at the present time, when no more wooden ships were being built. Then with regard to the Deputy Accountant General, whose salary was to be £900, he held that new office to be very questionable, as it would divide the responsibility. Great complaints had been made as to the manner in which the accounts of the navy had been kept; and although a Committee had been appointed to consider that subject, nothing whatever had been done to provide a remedy. Therefore before the Committee sanctioned the Vote, he hoped that at all events the noble Lord would state whether anything had been done, or was contemplated, for the purpose of carrying out the recommendations of the Commission on Dockyards with reference to the accounts. The intentions of the Government on that head ought to be known before the staff was increased. With regard to the Admiralty clerks generally, he must remind the Committee that there were no fewer than 460 *employés* at Somerset House and Whitehall, out of which 160 or 170 were in the Accountant General's office, besides a vast number of clerks, surveyors, and builders at the dockyards. It seemed to him that the Admiralty had servants enough to spend even £24,000,000, instead of £12,000,000; and however unpleasant the task might be, some Member must endeavour to stem, if possible, the torrent of lavish expenditure. The pleas on which Liberal Members had obtained the support of their constituents, as against hon. Gentlemen opposite, had always been retrenchment, economy, and reform. Let them not, then, allow the two first to

become as the last had been, a laughing-stock on the Treasury benches. He would not divide the Committee against the £2,000 to which he had referred, it being clearly understood that the Indian and Colonial Transport Boards were to be amalgamated with the Admiralty; but he would move that the Vote be reduced by £2,550, namely, £800 for the acting constructor, £900 for the deputy accountant, and £850 for the chief clerk in the store department.

Motion made,

"That a sum, not exceeding £168,282, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1863."

SIR FREDERIC SMITH said, he thought there was great force in the hon. Member's observations. He hoped that a satisfactory explanation would be given for the appointment of an Acting Constructor. They were about to substitute an iron fleet for a wooden one, and as many of the large iron vessels would be constructed in private yards he did not understand why another officer in the Controlling Department was needed, unless, indeed, that officer was intimately acquainted with the construction of iron ships. With regard to the item for transports, the affair must be a sham if two great Departments were excluded from the arrangement. He thought that the item had better be deferred until the Indian and Colonial Departments consented to form part of the Transport Board. With regard to the Deputy Accountant General, he should not object to the appointment, if it were made a temporary one, only to endure while the accounts were being brought into a proper state, and to cease when that result was attained.

MR. W. WILLIAMS observed, that the Vote exceeded that of the last year by about £9,700, and unless the noble Lord the Secretary to the Admiralty gave a satisfactory explanation for the augmentation, he should be inclined to move the reduction of the Vote by the whole of that sum. He observed that the Vote included payments for a large number of temporary clerks, but he thought it would be a better plan for the Admiralty to engage permanently as many clerks as were needed.

SIR HENRY WILLOUGHBY said, he wished to know, whether any means had been devised by which the Members of the Board of Admiralty were brought in

more direct contact with the several departments, in order that a distinct responsibility might rest on the shoulders of each individual Member? He was desirous to have a reply to that question, because, unless those who were theoretically responsible were made really so, nothing for the advantage of the public service would have been effected. Who, for instance, was responsible for the expenditure of the navy? or had any change been made which would bring that department of the service under the more distinct control of an individual Lord of the Admiralty, subject to the general superintendence of the First Lord?

MR. AUGUSTUS SMITH remarked, that while the sum asked for the purposes of the department in 1852 was £134,000, it had amounted in 1858-9 to £140,000, to which latter sum it had only reached during the Crimean war. In the Estimates before them there was a further increase of more than £30,000. The causes of the great increase under that head within the last five years he attributed in a great measure to the number of clerks, especially temporary clerks, employed in the department. That observation applied to every department of the Admiralty. He hoped that the Government would state that it was their intention to deal with the question. There were 333 persons upon the establishment for the present year, while in 1858 they amounted only to 270. Ten years ago there were only 235. Now, taking into account the temporary clerks, they had a force of 452 persons. There were also probationary clerks, and he should like to know what were the rules in accordance with which the Members of that particular class were appointed—whether by nomination and competition, and whether, when persons were nominated, they came on in their turn? For his own part, he regretted that a larger reduction in the Vote had not been proposed by the hon. Member for Sunderland.

SIR STAFFORD NORTHCOTE said, the question of the employment of temporary clerks, alluded to by the hon. Member, concerned as well the War Office as the Admiralty. He had moved for returns of the sums expended during the last five years on that class of clerks, and he hoped the House would soon be furnished with the information which those returns would afford. When that information was obtained, it would be seen that the amount

*Sir Henry Willoughby*

was very large—so large as to disturb very much the distribution of the money voted for the Estimates presented to Parliament. The expenditure on the Admiralty Office had for several years been £5,000 or £6,000 above the sum voted by Parliament; and he believed the excess was due to the large number of temporary clerks employed. The whole subject was one which appeared to him to require consideration. Indeed, when the late Government were in office it had occupied their attention, and it had been taken up by the present Chancellor of the Exchequer on his accession to office; and a Committee, of which he had himself been a member, was appointed to consider the question. It was, however, a matter of difficulty in more ways than one. The idea which suggested itself to the gentlemen with whom he was associated was, that there should be a central office, unconnected with the War Office or the Admiralty, which should comprise a regular staff of temporary clerks, and that those clerks should be at the disposal of any of the Government offices which might require their services. He did not mean that the work should be sent out to be done in the central office; but, on the contrary, that the departments which required assistance should send to the central office for any number of clerks they might want. Such an arrangement would not only do justice to both the temporary and the permanent clerks, but would also lead to considerable economy and improvement in the service. The proposal had slept for some time. Last year the Chancellor of the Exchequer stated that it was under consideration, and that it would be necessary to consult the heads of departments. He did not know whether the consultation had taken place, but he took that opportunity of mentioning the subject again, because he hoped it would not be altogether forgotten. It was worthy of serious consideration, and he trusted the Government would lose no time in seeing whether anything could be done.

SIR JOHN PAKINGTON said, he thought that those hon. Gentlemen who had been remarking upon the increase in the Estimates hardly bore in mind the simultaneous increase in the amount of work to be done, which he believed to be the true answer to the greater part of their criticisms. He was not prepared to support the Amendment of the hon. Member for Sunderland, because he believed that the



Secretary to the Admiralty was justified in asking the Committee to grant the additional assistance required by the Accountant General and the Constructor of the Navy. The appointment of an acting constructor was demanded by the increased business, while the appointment of a deputy Accountant General was still more imperatively required. Full justice had been done by the hon. Member for Sunderland to the great acquirements of the Accountant General of the Navy, but the hon. Gentleman must be aware that the health of that officer had broken down under the pressure of the increased business in his department. The increase of the power of the navy had been attended by an increase of accounts, and he believed, moreover, that the proposed appointment of a deputy Accountant General was only the revival of an office which existed at a time when the expenses of the navy, and, consequently the accounts, did not exceed one-half their present amount. There was one entry in the Vote, however, upon which he hoped the noble Lord the Secretary to the Admiralty would offer some explanation. He referred to the sum of £2,000 for an officer to control the transport service, and a secretary. How was the appearance of that item to be reconciled with the fact, that setting aside the sum required for the transports now on their way home from Canada, the transport Vote stood at a much lower figure than last year?

MR. LAIRD said, he should support the Vote. The officers to whom it was proposed to give assistance had been much overworked for many years, and he could state from personal experience and observation that they were gentlemen of the highest character and ability. He could not see how the appointment of a deputy Accountant General could be objected to by hon. Gentlemen opposite. They wanted, in future, an accurate and detailed account of the cost of each ship, including, of course, a statement of the wages paid and the prices of materials, and also a proportionate share of the expenses of each dockyard. Such an account could be obtained, but it must double the number of clerks and lead to a large increase in the business of the Accountant General, as well as necessitate a thorough revision of his system. Hon. Gentlemen opposite were very fond of contrasting the cost of ships built under contract with that of vessels constructed in the Government

dockyards. So far from it being true that ships of war could be built for £15 or £20 a ton, he believed they must cost at least £30 per ton; and he trusted the country would not allow itself to be led away with the idea that the ships built in the Government dockyards cost 30 or 50 per cent more than they really did.

LORD CLARENCE PAGET said, he was glad to hear the voice of the hon. Member for Birkenhead, and hoped he would often give them the benefit of his knowledge and experience in naval matters. If his hon. friend the Member for Sunderland (Mr. Lindsay) had been in his place on Monday, he would have heard him (Lord Clarence Paget) distinctly state what was going on in the dockyards as to the rectification of the accounts. He would not trouble the Committee with a repetition of that statement; but he might say generally, that the Accountant General expressed his expectation of being able to render the general accounts as perfect as the personal accounts of the seamen. His hon. Friend said he disapproved of the deputy Accountant General. He (Lord Clarence Paget) could assure his hon. Friend that the Accountant General could not do the work that was assigned to him. No amount of industry would enable a man to get through it. It was simply impossible, owing to the great increase in the navy which had taken place of late years. The Accountant General must under the new system of accounts visit the dockyards for the purpose of examining and checking the accounts; but how was he to do that and attend to his daily business at Somerset House as well? An additional officer was imperatively required, more especially when all desired to see more correct and detailed accounts of everything connected with naval expenditure. So with respect to the appointment of an acting constructor. The Admiralty had over and over again been found fault with because the Controller of the Navy sat in his office at Whitehall and did not inspect the dockyards; but the simple answer was that he could not visit the dockyards unless he could leave an officer behind him at Whitehall to carry on the daily business there. It had been said that they were building ships by contract, but the fact that the work was being done in private yards, was an additional reason why it should be properly inspected and checked by a Government officer. The appointment of an additional first-class

clerk, to which the hon. Member for Sunderland had objected, was more a matter of rank than of emolument, and did not involve any increase of expense. He had been asked to state what was the responsibility of the Lords of the Admiralty—whether it was individual or general. That was a very large question, but it had been carefully considered by the Duke of Somerset, who had done his best to give a defined responsibility to each member of the Board. It was confidently expected that one result of bringing together all the navy departments under one roof, would be to place the principal officers in more frequent and more convenient communication with the Lords of the Admiralty. An inquiry had also been made with respect to the probationary clerks. They were gentlemen who had received appointments as paymasters' clerks, and who, before being appointed to ships, underwent instruction at Somerset House, under the direction of the Accountant General. He would not express any opinion upon the plan sketched out by the hon. Baronet the Member for Stamford (Sir Stafford Northcote), but would state the course which the Duke of Somerset had pursued with regard to the temporary clerks at the Admiralty. Formerly permanent clerkships were looked upon as entirely separate from temporary ones. Now, however, when a vacancy occurred in the department, the Duke of Somerset sent up three of those gentlemen to compete for it. They underwent an examination; the successful candidate became a temporary clerk, and the temporary clerks filled up any vacancies in the ranks of the permanent ones. The appointments to which the hon. Member had objected were in part designed to secure the more perfect keeping of the accounts in the dockyards, and he therefore hoped that his hon. Friend would not press his Motion to a division.

SIR MORTON PETO said, his vote would be determined by the answer which the noble Lord might give to the following question:—What had been the previous pursuits and the course of education of the gentleman appointed as acting constructor? It was of the highest importance in the new order of things with regard to shipbuilding, that the Constructor should be a gentleman of great practical experience. They all knew that Sir Baldwin Walker, the Comptroller of the Navy, had advised that the whole of the joints of the *Warrior* should be tongued. Now, every

practical man knew that in so doing, Sir Baldwin Walker not only weakened the plates, but he did something worse, for he rendered it necessary, if any damage occurred to a single plate, before it could be repaired, to remove all the plates above it. Such was the present condition of the *Warrior*. It was necessary that the man appointed to the proposed office should be a man of thorough practical knowledge and not a mere theorist.

MR. BENTINCK said, he feared that some of the opponents of the Vote conceived retrenchment and economy to be convertible terms, but they were not so in all cases. If the people knew what an amount of money had been wasted under the name of economy, they would be perfectly startled. Nothing was so productive of injury as being short-handed. The real ground in the present discussion was that of responsibility, the main difficulty in dealing with anything connected with the Admiralty being to determine with whom the responsibility lay. But that was the fault of the constitution of the department, not of those who at present filled its offices; and until the House was ready to remedy the root of the evil—the constitution of the Board—they were bound to leave the decision of all these details of expenditure to the Board as it at present existed. He should for these reasons give his support to the Vote.

SIR FRANCIS BARING said, that though he quite agreed with the hon. Member (Mr. Bentinck) that retrenchment was not always economy, he would venture to remind the House that expenditure was not always efficiency. He also thought that if the balance was struck between the loss arising from what was spent unnecessarily and that arising from mistaken retrenchment, the balance would be against the former. He was perfectly satisfied with the proposed appointments, and with the explanations given by the noble Lord respecting them. He believed that the increased expense of keeping the accounts would be amply compensated for by their improved efficiency.

ADMIRAL WALCOTT remarked, that he also thought increased efficiency would be the result of the Vote, and he should therefore support it. He approved of the present form of presenting the estimates, as tending to a more watchful supervision of naval works.

MR. WHITBREAD said, there were two great sources of expenditure—wages



and materials—with regard to which the Accountant General's duty was merely to see, in one case, that the authorized rates were not exceeded, and, in the other, that the charges were in accordance with the terms of the contracts accepted by the Board. For the information of the Committee, he would shortly state his own practice. When he went to the Accountant General's office, he found there the accounts to be passed; and as it was impossible for any one with other duties to go through them all in detail, it was the duty of the Accountant General to raise any point as to which there could be doubt, or which was not authorized by distinct practice. If his attention were not called to anything specially, it was his practice to pass the accounts, reserving only some few, chosen at hazard, to be carefully scrutinized in detail. It was the duty of the Accountant General to call attention to any point, however small, requiring explanation; and whenever doubt arose, or where there was a payment likely to be drawn into a precedent for further expenditure, to refer the matter to the superintending Lord. He could not quite agree with the answer given by the Accountant General to the Committee, that he had only to procure the initials of the superintending Lord to relieve himself from responsibility, because it must be obvious that, although his advice might be acted on, he was responsible for any advice which he gave. For his own part, he did not believe that the system worked inefficiently or badly.

SIR HENRY WILLOUGHBY said, that on questions of wages it was sufficiently plain sailing; but when they came to deal with that portion of the Votes which was expended on materials for the Dockyards, he believed there was no real responsibility chargeable on any one at the Admiralty Department. He had no doubt of the necessity of the other appointments, but with regard to the increase of £2,000 for the heads of a Transport Board no explanation whatever had been given.

LORD CLARENCE PAGET said, that the point had been so fully discussed on a recent occasion that he had not thought it necessary to refer to it. The appointments which the sum of £2,000 was intended to cover had been made in consequence of proceedings before the Transport Committee of last year. The naval officer and his secretary were intended to form the nucleus of a Transport Board, which at present was to manage the transport of troops to all our

colonies except India, but might ultimately embrace that dependency within its sphere of operations. He was bound to add, that although last year a great many reasons were given why the shipping business of the Emigration Office should be placed under a Transport Board, he had since heard strong grounds urged against such a change at present. It was proposed to make the Transport Department independent of the Controller of the Victualling; otherwise, if the country were engaged in hostilities, great confusion and needless expenditure might ensue. The acting constructor was a well-known man, possessed of great intelligence, and perfectly capable of giving an opinion on the construction of iron ships.

In reply to Sir MORTON PETO,

LORD CLARENCE PAGET said, that the officer to be appointed was Mr. Abethell, one of the master shipwrights in the dockyards.

MR. LINDSAY said, that his objections to the appointment of an acting constructor had not been removed by what had fallen from the noble Lord. What, he would ask, would the chief constructor and constructor\* have to do when this acting constructor was appointed? In every dockyard there was a master shipwright, receiving a salary of £600, and two assistants, receiving salaries of £400 per annum; therefore there was no want of hands to conduct the works. If they had too many heads, there would be divided responsibility, and when anything was wrong, they would be unable to place their finger on the person who had committed the error. He should press his amendment to deduct £2,550 from the Vote. With respect to the remarks of the hon. Member for Birkenhead (Mr. Laird), he would observe that it was stated that the building of ships at Deptford cost £37 a ton. No one knew better than the hon. Member that the hull of a ship under 1,000 tons would not cost one-half the sum of £37 per ton.

MR. CORRY said, that, in explanation of the statement of the Royal Commission as to the cost of constructing ships at Deptford, he might observe that a great many of the ships built there had been built originally as sailing vessels, and afterwards converted into screw ships. Besides, the expense of repairing a 36-gun frigate had been included in the charges for building at Deptford.

SIR JAMES ELPHINSTONE asked,

whether the gentleman proposed to be appointed as acting constructor was not an old man, beyond the age at which the Government could force him to take a retiring pension.

LORD CLARENCE PAGET said, that he was a most zealous and active officer.

Motion made, and Question put,

The Committee *divided*:—Ayes 22; Noes 114: Majority 92.

Original Question put, and *agreed to*.

(2.) £297,602, Coast Guard Service, &c.

MR. R. HODGSON said, he wished to ask the Secretary for the Admiralty whether any scale of remuneration for shipping masters had been settled?

SIR MICHAEL SEYMOUR said, he wished to know whether the opportunity of entering the Royal Naval Reserve was to be extended to the Channel Islands. There was a valuable body of seamen both in Guernsey and Jersey, who ought to have an opportunity of volunteering for the Royal Naval Reserve.

MR. LINDSAY said, it was scarcely possible to overrate the services rendered by the shipping masters at the various ports in the formation of the Royal Naval Reserve. He trusted the Admiralty would deal with them liberally, and consider whether they might not receive some distinguishing badge or honorary rank.

MR. LAIRD said, the noble Lord would do well to make some arrangement by which the crews of steamers, boatmen, lightermen, and others of that class, might be drilled so as to be available for the defence of their several ports. If a large number of men who were unwilling to enter for foreign service joined together for the defence of the ports, a greater number of others would become free for foreign service, and this would add very greatly to our naval resources.

SIR JAMES ELPHINSTONE said, they were called upon to give great credit to the shipping masters for the position in which the Naval Reserve then stood. They had performed an amount of labour which it would be well for the country to recognise. He did not think that the officers of the merchant service deserved all the praise which had been given them. They were at first as much opposed to the Royal Naval Reserve as the men; but as light dawned upon one it fell upon the other, and he believed that in the future progress of the Reserve the officers of the

*Sir James Elphinstone*

merchant service would be of very great assistance. He quite agreed with the hon. Member for Tynemouth that the shipping masters were entitled to some honorary distinction, and it was only right that they should be paid for the extra time which they devoted to the business of the Reserve, and which took up one-third of their time. He was quite prepared to second a proposition that the shipping masters should receive substantial rank as paymasters of the reserve, and that that distinction should be accompanied by due remuneration. With regard to the maintenance of the Reserve, he would urge the Government to carry out the recommendation of the Royal Naval Commission in regard to school ships, because unless they provided for the admission of boys as well as adults to the force, the scheme must break down. Each boy in the Royal Navy, before he was reckoned as an ordinary seaman, cost the country £123, whereas under the schoolship system he would only cost £38. He would then pass to the merchant service, and the shipping master at the port would be able to enlist him in the Naval Reserve.

MR. ALDERMAN SALOMONS said, he wished to inquire whether any commissions had as yet been issued to the officers of the mercantile marine who had joined the Naval Reserve?

MR. AUGUSTUS SMITH said, he desired to know whether any alteration had been made in the rates of payment for the officers of the Naval Reserve?

LORD CLARENCE PAGET said, he was happy to inform his hon. Friend the Member for Greenwich (Alderman Salomons) that they had made a commencement in granting appointments to officers of the Naval Reserve, and that the first commission had been conferred on Mr. Judkins, the officer who with so much ability had commanded the steamer that carried our troops up the St. Lawrence. Mr. Judkins had passed the age for active service, but he had been made an honorary lieutenant, to mark the sense which the Government entertained of his services. The item of £5,000 for lieutenants and sub-lieutenants of the Naval Reserve was to reimburse them for travelling expenses, board, and so on, when they were away from their vessels undergoing instruction—the lieutenants to receive 10s. a day, and the sub-lieutenants 5s. He could not go quite so far as the hon. and gallant Member for Portsmouth (Sir James El-



phinstone), that to the shipping masters alone they owed the present efficient state of the Naval Reserve. In his opinion, Captain Browne, the registrar-general of seamen, was the man to whom they were most indebted for his services in that respect, and next to him the naval officers of the several dépôts. There was no doubt, however, that they were greatly indebted to the shipping masters also. A new scale of pay had been just arranged between the Admiralty and the Board of Trade with regard to the salaries of the shipping masters, who, he begged to state, were no longer shipping masters, but were henceforward to be called "Registrars of the Royal Naval Reserve." These gentlemen would for the future be paid according to the number of men they were instrumental in enrolling, and also to the amount of correspondence they had to carry on on account of the Naval Reserve. They would thus receive a very substantial addition to the allowances which they already received. The highest amount for the past year that had been received by any of those gentlemen was £180. No doubt, as the Reserve increased, the work which the registrars had to perform would also increase, and so would their pay.

MR. LINDSAY said, he thought that "Paymasters of the Royal Naval Reserve" would have been a better title. He wished to know whether the £180 went to the deputy registrars, or was it to be divided among their clerks?

MR. CORRY observed, that there was an increase of 150 men in the number of the coast-guard on land service, though he should have thought that since the establishment of the Naval Reserve the importance of the coast-guard would have diminished.

SIR MICHAEL SEYMOUR said, he wished to learn the number out of the 10,000 men in the reserve that might be immediately available for service if required?

LORD CLARENCE PAGET stated, that £180 was the highest amount that any of the registrars had received. Of course, certain clerks were to be paid, but that was to be done before, and the £180 was a substantial addition to the income of the registrars. As to the number out of the 10,000 reserves that might be immediately available, their present position was this:—According to the latest returns in last December, the number of reserves on long voyages was 669, on

short voyages 2,359, and the number in the coasting trade and at home was 4,756; but since that return there had been a considerable increase in the force.

SIR MICHAEL SEYMOUR inquired, how far the arrangements with regard to the Naval Reserve extended to the Channel Islands?

LORD CLARENCE PAGET replied, that the seamen of the Channel Islands were as much interested in the reserve as the seamen in the home ports. Several of them had been already enrolled.

In reply to Mr LINDSAY,

LORD CLARENCE PAGET said, the fees of the shipping masters were £2,000.

Vote agreed to.

(3.) £68,045, Scientific Departments of the Navy.

MR. AUGUSTUS SMITH said, he wished to call attention to the excess of expenditure in past years over the sums voted under this head. In 1859 they voted £61,000, and £68,000 were expended; in 1860 they voted £64,000, and £73,000 were expended. Would there be any objection to a return giving a list or index of the charts published by the hydrographical department during the last ten years?

SIR FREDERIC SMITH said, it would be useful to know what progress was made in the coast surveys. The Astronomer Royal, one of the most able mathematicians and astronomers in England or the world, had never had an increase of his pay. It was only £1,000 a year; and for a man of his science and attainments an augmentation was desirable.

LORD CLARENCE PAGET said, he did not think that it would be easy to make an index of the charts of all the surveys of the world; but if the hon. Gentleman would move for an index of all the published charts, there probably would be no objection raised to the Motion. As to the Astronomer Royal, he was an excellent officer, and he might add that that year the Admiralty had somewhat improved the position of some of his assistants.

Vote agreed to.

(4.) £176,624, Naval Establishments at Home.

MR. LINDSAY said, they had given up building wooden ships, except those of small size. The pay of master shipwrights was £650 per annum, and of master smiths £250 per annum. The increase of iron ships would throw extra work upon the master smiths, and he sug-

gested that their pay should be increased, while in all future appointments the pay of master shipwrights should be reduced.

SIR FREDERIC SMITH expressed his full concurrence in the observations made relative to the master smiths, but he did not think it advisable that the salaries of the master shipwrights should be reduced.

*Vote agreed to.*

(5.) £33,610, Naval Establishments Abroad.

MR. W. WILLIAMS said, he wished to call attention to the great disproportion between the expenditure for the superintending staff and the number of men at the Malta establishment. The item in the Votes for that establishment amounted to £7,819, and he dared say the salary and emoluments of the Admiral Superintendent would probably swell the amount to £10,000. That appeared an extravagant sum to pay for the superintendence of only 487 men, whose yearly wages scarcely exceeded £22,000.

LORD CLARENCE PAGET remarked, that he could only say that the Malta station was of great importance in respect to the Mediterranean service, and, besides being a great store and victualling depôt, and therefore requiring a smaller proportion of artificers, large works were going on there. Malta, therefore, could not be considered, as regards officers and men, in the same light as the home dockyards.

*Vote agreed to.*

(6.) £1,147,678, Wages to Artificers, Labourers, &c., at Home.

SIR FREDERIC SMITH said, he wished to call attention to the position of the hand-sawyers in the dockyards, who, for the last thirteen years, had been at job and task work. In the mean while the wages of other mechanics, who were paid by the day, had increased 3d., 4d., and 6d. per day. The sawyers were now being put on day work at the same wages as they had been paid up to the time they were put on task and job work, which was thirteen years ago, instead of being paid at the advanced rates of the present day. They were, moreover, obliged to find their own tools. That appeared to be an unjust arrangement, as it affected not only their daily pay but their superannuation allowance.

SIR HENRY WILLOUGHBY said, he wished to have some explanation with respect to a paper placed on the table, entitled "An account, showing the expenses incurred on Her Majesty's

*Mr. Lindsay*

ships—building, converting, repairing, fitting, &c.—during the financial year 1860-61." The ship *Howe* was there stated to have cost £192,877; and the expenditure for the *Victoria* was put down at £187,129. What he wished to know was, whether this paper of accounts was trustworthy, and whether any Member in that House might safely rely on the figures given in it? He did not put these questions idly, for he had reason to believe that the accounts were not of that accurate character on which a deliberative assembly could rely in discussing financial matters. It was said that a change was to be made which would show the exact amount expended on each ship, and that this system was to be commenced on the *Achilles*, now building at Chatham. He should like to hear from the noble Lord whether that was to be construed into an acknowledgment that the present accounts were not to be relied on?

LORD CLARENCE PAGET said, the defect of the present system of expense accounts was that large sums were attributed in them to one service which, in truth, belonged to another. For instance, in the account items were put down under the head of "Docks," cranes, and various matters connected with the dockyard, which ought to be attributed to the ship which was being built. The hon. Baronet, however, was aware that it was those very defects which the Admiralty were in process of remedying, and for the future to every individual ship would be credited under the new system every particular item which belonged to it. Thus, by a system of double entry, the exact cost of each ship would be shown. By that time next year the returns probably would show accurately the exact cost of every one of Her Majesty's ships.

SIR FREDERIC SMITH said, he wished to know whether the timber was charged in the returns at cost price, or whether any addition was made to the expense of the ship on account of the length of time it had been in the yard?

MR. W. WILLIAMS said, he wanted some explanation with respect to the statement regarding the Vote, to the effect that it was intended to reduce the number as vacancies occurred to 9,261.

LORD CLARENCE PAGET said, that it was intended to reduce the number of permanent men in the dockyards to the extent laid down in an Order in Council in



1850; therefore when any additional work was necessary, they adopted the plan of hiring men instead of adding to the permanent staff.

MR. LINDSAY said, that if the accounts of the expenditure of the navy were to be presented in detail they ought to show the whole cost of each ship. Was anything, for instance, taken into consideration for depreciation, or insurance, or losses? He could not but complain of the unsatisfactory and confused manner in which the accounts were presented to the House. He should like also to know whether there was any alteration made in the system of task and job-work.

MR. WHITBREAD said, he would admit that the accounts, as they then stood, did not show the whole debtor and creditor account; but an improved system was in operation, and he trusted that next year the fullest details of the cost of every ship would be given. There was no task or job-work then going on in the dockyards.

MR. ALDERMAN SALOMONS said, that he understood that there was a system of measurement in operation under which, if a man did not do an amount of work reaching a certain standard, he was paid less than the average wages; while if he did an amount beyond the standard, he was not paid more than his regular earnings.

MR. WHITBREAD observed, that the system was known as the "check-day pay," and answered very well. It simply insured a fair day's work for a fair day's pay.

Vote agreed to; as was also

(7.) £66,801 Wages to Artificers and Labourers Abroad.

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £1,744,184, be granted to Her Majesty, to defray the expense of Naval Stores, for the Building, Repair, and Outfit of the Fleet, which will come in course of payment during the year ending on the 31st day of March, 1863."

CAPTAIN JERVIS said, he wished to ask what steps had been taken by the Admiralty to remedy the evils complained of by the chief engineer of Chatham Dockyard before the Dockyard Inquiry Committee, respecting the deteriorated quality of copper obtained for copper sheathing in the navy? He also desired to be informed whether there was any intention on the part of the Admiralty to manufacture their own plates in any of

the dockyards? Such a proceeding, he thought, would be a mistake.

MR. BENTINCK said, he had always heard that the deteriorated quality of modern copper was to be attributed to its admixture with foreign ore. His noble Friend would acquit him in his remarks of all desire to use captious language, or introduce party feeling. It was really for the purpose of obtaining information that he wished to refer to some particular items in the Vote. One of the most important questions of the day was the respective merits of the various descriptions of iron plates for sheathing vessels; in fact, the naval supremacy of this country was to some extent dependent on the goodness of those plates. He had heard within the last few days rumours in certain influential quarters which, if they had any foundation, ought to be brought to the notice of the Admiralty; but which, if they were not correct, ought to receive an authoritative contradiction from the Minister in his place in Parliament. He had heard that all the experiments tried went to prove that hammered plates were vastly superior to rolled plates; that the experiments tried on the target constructed like the side of the *Warrior* showed very strongly the superiority of the hammered plates. Then, again, he was told that it was the intention of the Government to fit the *Royal Oak*, the *Achilles*, and the *Black Prince* with rolled plates. That was a very serious question indeed, for unless the Admiralty were thoroughly convinced of the superiority of the rolled over the hammered plates, it would be one of the greatest pieces of folly in the world to cover the sides of those ships with the rolled plates. If sufficient experiments had not been made upon hammered and rolled plates, further experiments ought to be made regardless of expense, so as to set the question of the relative merits of the two at rest. It would be much better economy to spend a certain number of thousands of pounds in experiments than to build iron-plated vessels concerning which the authorities of the Admiralty might entertain doubts. As the maritime supremacy of the country really depended on the superiority of the iron plates employed for their ships, he asked the noble Lord to give them his best opinion on this point. Another question he had to put was with regard to the contractors. He had been informed on good authority that the contractors for

building the large iron frigates had in several instances failed to complete their contracts. He wished to know if that were the fact, and, if so, whether the penalties to which the contractors were liable had been enforced? He had been told that the contractors for the *Valiant*, the *Black Prince*, the *Defence*, and the *Resistance* were in the position he had mentioned. There would appear to be some ambition to obtain these Admiralty contracts, which was not on account of the pecuniary advantages resulting from them. It was well known that when the contractors failed to fulfil their contracts, great pecuniary loss was entailed on the Government, as they were compelled to obtain additional assistance to complete the work. Sufficient inquiry, he thought, was not made into the solvency of persons who tendered for the contracts, and the practice of not enforcing the penalties was a premium to unqualified persons to tender for contracts. The next point he wished to touch upon was with regard to Trotman's anchors. He wished to know whether, recently, when one of those anchors was tested at Woolwich, Mr. Trotman desired to have a double test, and the authorities declined without a special order from the Admiralty, as the machinery might be injured; and that on Mr. Trotman offering to bear any expense, he was unable to obtain the sanction of the Admiralty? The last point to which he wished to direct attention was the coaling of Her Majesty's ships. That was a most important question. He had been told that the means of coaling both at Plymouth and Portsmouth were not what they ought to be in the case of an emergency, when it might require to be done with great rapidity; and, if they were not of that opinion, he (Mr. Bentinck) wished to know whether they intended to propose any improvement.

SIR MORTON PETO said, he would ask whether the small vessels, corvettes, and gunboats the Government intended to be built, were to be built of wood or iron?

MR. LAIRD said, it appeared to him a question, after the discussion that took place on a former evening, whether it was desirable to go on building large ships of wood and iron combined. He doubted, also, whether they ought to carry out the plan entertained of converting several wooden-built ships into iron-plated vessels without a previous experiment to test their efficiency when so converted. The addi-

*Mr. Bentinck*

tion of the weight of the iron plates, for which they were not originally laid down, would make them unseaworthy and dangerous if they carried their full complement of guns. He believed that the addition of 800 tons of iron plates above the whole weight these vessels were intended to carry, would soon shake them to pieces if sent to sea. He hoped therefore no further progress would be made with the five wooden ships to be converted, till some more experiments had been made as to their fitness. At least, the Government might finish one and send her to sea, as a trial. He believed that the ships the French Government had built of wood and plated with iron had shown signs of weakness. It was quite clear, as the hon. Member for Finsbury stated the other night, that for large ships there was no material but iron. Let them look at the ships of the Cunard Company, of the Peninsular and Oriental Company, and the vessels of other private companies; they would not think of building their ships of wood. The wear and tear of wooden vessels were so great that no private company could make them pay. Some companies, who long adhered to the wooden-built ships, had at last been compelled to give them up. He knew that some of the largest shipowners in the country, who long adhered to wood as the material, had now adopted iron. By using iron the cost of the wear and tear of the ships was greatly reduced. It was with that view that the right hon. Baronet the Secretary for India (Sir Charles Wood), in spite of prejudice, introduced iron as a material of construction into the navy, and the vessel that was then built was still in existence. He would also name his hon. Friend below him (Mr. Corry), the late Lord Herbert, and Sir George Cockburn, who, in 1843, came to the conviction that iron was the best material for ships of war. But in that case, as in so many others, the force of prejudice and of various interests was opposed to the change they commenced; and the consequence was that the adoption of iron was thrown back for many years. He believed, from his experience of twenty-five or thirty years as a shipbuilder and shipowner, that till the Government adopted iron generally, and not merely for large ships, and followed the example of other Governments that were building gunboats of iron, they would never see the present large Navy Estimates reduced.

LORD CLARENCE PAGET said, that



in answer to the question of the hon. Member for Finsbury (Sir Morton Peto) whether the Vote for timber had reference to the building small vessels and gunboats, he had to state that up to that time they had not found any good substitute for wood in the construction of small vessels. The hon. Member for Birkenhead (Mr. Laird) was probably better acquainted with the comparative merits of wood and iron than most people; but the service required of mercantile vessels was a very different thing from that required of men-of-war. Men-of-war ships had to be sent to all parts of the world, and they remained abroad for three or four years, and had often to lie in ports for months together, whereas merchant ships merely made the voyage out and home, and it was well known that vessels constantly moving fouled their bottoms less than stationary vessels. Every practical sailor knew that a vessel with a foul bottom would neither steam nor sail, and became utterly useless as a man-of-war. We had not yet got over that difficulty in iron vessels. That it would be eventually overcome he had no doubt, but as long as it existed it would be unwise for the Government suddenly to abandon the building of our smaller ships in wood. Copper-bottomed vessels were good for two or three years without going into dock. That would not be the case with iron ships. He believed that with iron ships they would require docks all over the world; and, upon the whole, he thought they could not do better than continue the construction of small wooden vessels. An hon. Gentleman had said that the Admiralty had done wrong in cutting down fine wooden line-of-battle ships and turning them into iron-cased vessels. He admitted that these vessels would not be so strong as iron ones, although great pains had been taken to strengthen them in every possible way; but what would hon. Gentlemen, particularly those who grumbled at the amount of the Estimates, have said if, instead of taking advantage of vessels already in existence, the Admiralty had asked the House for £380,000 or £400,000 each for five iron ships? The whole question was, in fact, one of time and expediency.

The hon. and gallant Member for Harwich (Captain Jervis) had called his attention to the report of the chief engineer at Chatham with respect to the quality of our copper. It was true that the chief

engineer had stated to the Dockyard Commissioners that our copper had of late very much deteriorated in quality, and that it did not last so long as formerly. The Admiralty had taken specimens of various kinds of copper from all the ships that had recently come home, and had sent them to Dr. Percy, who was with Sir R. Murchison at the head of the Museum of Economic Geology, with a request to test them in every possible way, and to state the results in a report. It was a curious fact that the purest copper was not the most lasting; on the contrary, it was rather soft, and was not so durable as other kinds. Of course, the Admiralty could do nothing until they had ascertained the result of the experiments made by Dr. Percy; but he could assure the hon. and gallant Member for Harwich that they had no intention of establishing smelting works at Chatham any more than of purchasing a copper mine.

The first question of the hon. Member for Norfolk (Mr. Bentinck) related to the comparison between hammered and rolled iron. There was a great controversy going on as to the respective merits of these two methods of preparing armour-plates. He was bound to say that his own opinion was that the superiority, if any, was as yet on the side of the rolled plating. Rolled plating had resisted the effects of shot better than hammered plating. He admitted, at the same time, that there had been a specimen of hammered plating prepared by the Thames Iron Ship Company, which showed a great superiority over all the other kinds of plating that had been tried. That, however, was a single specimen, and upon the whole, the balance of advantage was rather in favour of rolled plates. There was no appreciable difference with respect to cost. Under these circumstances, the Admiralty had no other course to pursue than to take the best material they could get, and he could assure the Committee they had adopted even excessive precautions for that purpose: Every contractor who tendered to supply plates, and whose tender was accepted, sent his plates and the officers of the Admiralty chose out of the lot one or more to be experimented upon. If the plates offered a proper resistance, the Admiralty accepted them; if they failed, they rejected them. He thought the hon. Member for Norfolk had been mis-

led by the result of an experiment made last year at Shoeburyness with a section of the *Warrior*. The plates were hammered, and they resisted a vast force of projectiles thrown against them; but the Admiralty had no reason for believing that rolled plates would not have been equally successful under the same conditions. The hon. Member for Norfolk had also asked a question with respect to the terms upon which private builders should be allowed to contract for our large iron vessels, and had stated that there was a report in circulation to the effect that several contractors had altogether failed in their engagements, and that the Admiralty had abstained from enforcing the penalties provided for such cases. He could assure the hon. Member that the only case in which as yet a contractor had altogether failed in performing his contract was that of the *Valiant*. During the progress of that vessel the contractor became involved in great pecuniary difficulties. He stated that the cost of the ship would be much more than he had anticipated, and, in fact, sued the Admiralty *in formâ pauperis*, to be released from his engagement. It was obviously the duty of the Admiralty, when large iron vessels were greatly wanted, to do everything in their power to carry on the construction of the *Valiant*. They had consequently no other alternative than to take the vessel out of the hands of the contractor, to make him a certain allowance for the work already performed, and to place the ship in other hands. That, he repeated, was the only case in which a contractor had altogether failed; but partial failures had occurred in other instances. Some contractors, for example, had failed in delivering the vessels at the stipulated time. He must say, however, that the contractors as a body deserved a great deal of indulgence. There had been an earnest desire on their part to fulfil their engagements, but they really had not known what they were undertaking, and their difficulties had been great. Perhaps the new system with regard to contracts would be a better one than that hitherto pursued. First of all, smaller penalties would be fixed, so that they could be practically enforced; and it was the determination of the Admiralty in all future cases that there should be a full infliction of the penalties to which the contractors rendered themselves liable. The very novel subject of Mr. Trotman's anchor had also been adverted to. He had

not heard that they had refused to give Mr. Trotman's anchor an extra trial at Woolwich; but this he knew, that the Admiralty had some months ago ordered an anchor of Mr. Trotman, and he was not aware that it was yet supplied.

SIR MORTON PETO said, that the noble Lord's answer raised a question of grave importance. He announced it to be the intention of the Government to build these smaller vessels of wood, as they could not as yet see their way to the use of iron. His hon. Friend the Member for Birkenhead, had adverted to the use of iron gunboats in the Indian navy; and he himself could state that when, some years ago, he raised the question of the use of iron for gunboats, he referred to the evidence of the commanders of the East Indian boats, who came forward and testified to their being in every particular superior to wood. Captain Hall, of the *Nemesis*, spoke decidedly as to the superiority of iron gunboats when pierced with shot, or having struck upon a rock, the damage being more easily repaired. He summed up in these words, "I should give the preference to iron over wooden vessels, as a commander, under every circumstance." Captain Charlwood gave the preference to iron, and said that his vessel never received an injury which the engineer on board could not repair with an iron plate and a few bolts. Captains Proctor, of the *Harpy*, and Filden, of the *Lizard*, gave similar testimony. With regard to cleaning the bottoms of iron ships, no doubt there were grave difficulties in the case of large ships; but with respect to small vessels, his hon. Friend the Member for Sunderland could bear witness to the facility with which they were cleaned in any part of the world. He repeated, the question was of great gravity, as the country would not go on spending twelve millions a year on the navy. He could not understand how it was, that with the number of vessels they had out on contract, the labour in the royal yards was constantly increasing; but what he wished principally to call attention to was, that in eight years we had spent £29,000,000 in these yards, and allowing £8,000,000 for the addition to the navy at the average cost per gun, there remained an average of nearly £3,000,000 a year, principally for repairing the wooden fleet. He argued for iron gunboats on the ground of economy. Wooden gunboats could not be relied on for any time if laid up, but iron vessels would be as good if

Lord Clarence Paget



taken out at the end of twenty years as when first built. What he wanted to press on the Admiralty was, that they should not continue building wooden vessels, but that the noble Lord should pledge himself to a careful inquiry into the comparative merits of the two materials before he built any more of these vessels. He did not contemplate armour plates, but iron vessels of  $\frac{7}{8}$  plates, which Sir Howard Douglas had said were sufficiently strong to resist shell.

MR. R. W. DUFF said, that practical experience enabled him to corroborate what had fallen from the noble Lord. Iron boats were good for home, but certainly not for foreign service. He had been on the South American station for five years, and during that time there were two iron gunboats attached to the squadron. One of them, the *Harpy*, was, when she came out, an efficient vessel; but after five years she could not move two knots an hour through the water. There were no means of docking her out there, and she took 110 days to come home; in fact, every one thought she was lost. She had to consume her own bulkheads and everything wooden on board to keep the engines going. The other, the *Trident*, took three months for the homeward voyage. He himself came passenger, whilst a friend who came home in a merchant vessel made the passage in three weeks. Therefore, until further experiments had been tried, he hoped the noble Lord would not build our vessels entirely of iron. For purely fighting purposes iron, which would keep out shells, was no doubt desirable, and iron frigates ought to take the place of wooden line-of-battle ships; but he did not think that the day had arrived for replacing wooden by iron ships on foreign stations.

SIR JAMES ELPHINSTONE said, he wished to point out, that if iron vessels were sent to distant stations where there were no docks, they would in course of a little time become unserviceable. It was on that account that so few iron merchant ships were employed in the Indian trade. He saw there was a reduction in the amount asked for paint. There was a general complaint in the navy that no sufficient allowance of paint for ship use was made, and first lieutenants had often to put their hands into their own pockets in order to keep their vessel in good order. He would ask why the Vote was reduced?

MR. CORRY said, he had examined the Report of the Commissioners as to the cost of building ships at Pembroke Dockyard,

and he found it was a mistake to put the cost at £37 per ton. The cost, in fact, was £33 3s. 3d. per ton.

MR. LINDSAY said, that he could state from his own experience that he had found no difficulty in cleaning the bottoms of iron ships in any of the chief ports of the world. As to durability, there was no comparison between iron and wooden vessels. He was just opening out an iron vessel which had been built for ten years, and the iron was as good as on the day when the ship was built. He need hardly say it would not have been so with a wooden vessel. He would probably have found the dry rot in her, and been only too glad to close her up again and sell her as soon as possible. There was one item in the Vote upon which he should certainly take the opinion of the Committee. The Vote for timber upon an average was, before last year, about £400,000. Last year £940,000 was voted, upon the ground that it was wanted to replenish the stock of timber. This year, although they had given up building wooden line-of-battle ships, the amount asked for was £160,000 above the average. He should move to reduce the Vote by £100,000. He also wished to ask whether one firm continued to enjoy the monopoly of supplying anchors and chains to the navy? There were surely more firms than one in the country whose manufacture could be depended upon, and a little competition might produce economy without impairing efficiency. He moved to reduce the Vote by £100,000.

MR. BENTINCK said, he doubted very much whether there existed on many foreign stations those facilities for cleaning iron ships which his hon. Friend the Member for Sunderland imagined. His hon. Friend had said that an iron vessel was much more durable than a wooden one, but that maxim was not of universal application. If an iron vessel went ashore upon a sandbank, she would hang on there a long time; but if she went upon a stony or rocky shore, she would go to pieces like brown paper. Perhaps the noble Lord would tell them whether it was true, as reported recently, a gunboat had run into the bows of a line-of-battle ship—the *Defence*, he believed—and stove in a plate. He ventured to say that no gunboat would ever have gone through the bows of one of the old line-of-battle ships. He was very glad to hear that the Admiralty had resolved on exacting for the future the full amount of the penalties from defaulting contractors. He believed that that

resolution, by causing the fulfilment of contractors' engagements would lead to a considerable saving of public money. He was also convinced it would be a source of great saving if the Board of Admiralty would devote a good round sum of money to experiments upon the relative qualities of hammered and rolled iron to resist shot, before proceeding further in the building of iron-cased vessels.

COLONEL SYKES said, he wished to ask whether the Admiralty authorities had turned their attention to any of the patents for diminishing the consumption of coal used for marine steam-engines?

LORD CLARENCE PAGET said, that in the second section of the Vote he had taken a sum for making experiments upon iron plates. With regard to the modern processes for economizing fuel in steam-vessels, the Admiralty were fully sensible of the importance of those improvements, and were submitting them to a practical test on board of some of their vessels.

Motion made, and Question put,

"That the item of £560,713, for Timber, Masts, Deals, &c., be reduced by the sum of £100,000.

The Committee *divided*:—Ayes 21 : Noes 39 : Majority 18.

Original Question put, and *agreed to*.

(9.) £1,453,561, Steam Machinery, &c.

CAPTAIN JERVIS said, he desired to ask for information as to the probable cost of the three vessels ordered during the last year. Having himself last Session stated the cost of the large iron-cased ships at half a million sterling apiece, he had been told that he had alarmed the country, and that the actual cost would only be £300,000. Now the *Warrior* had cost £354,000, and the increased size of these vessels would bring the outlay to nearly £400,000 for each of them before the masts and rigging were put up. If their cost would be so great, it became a serious question how many such vessels they ought to build. With the improved armament now put on board our ships, a much smaller class of vessels would suffice. The experiments made at Eastbourne proved that the Armstrong gun produced an effect nearly three times as great as that of the old armament. In other words, a vessel of 10 guns was now as powerful as one of 30 guns used to be.

LORD CLARENCE PAGET said, he could not give the exact cost of the vessels. He must defer any precise statement

on that point till next year, when the vessels would be completed.

*Vote agreed to.*

(10.) £464,170, New Works, Improvements, &c.

MR. LINDSAY said, he wished to know whether the items in the Vote for new machinery in several of the yards were intended as the commencement of plant for the building of iron ships? He had opposed the Vote last year for iron shipbuilding at Chatham. It was, he believed, a great mistake.

MR. WHITBREAD said, the reason of the increase was to provide machinery at five of the yards for bending iron plates to the requisite form for building, the plates themselves being manufactured outside the yards in question.

SIR JAMES ELPHINSTONE said, he observed that £10,000 was taken for dredging the bar of Portsmouth harbour. He wished to know whether the dredging operations hitherto carried out had not produced three feet additional water on the bar; whether any line-of-battle ship could not go in and out of the harbour at any time; and whether the *Defence* did not, last Saturday, pass in there drawing one foot less than the *Warrior*, at dead neap tide; also whether the harbour was not accessible, on any day of the year, to ships of the line at high water; and whether the £10,000 worth of dredging proposed would not enable ships to pass in and out of the harbour two hours before or after neap tides?

MR. BENTINCK asked, whether any Vote would be proposed for facilitating the coaling of men-of-war at Plymouth Sound?

MR. LAIRD said, he was rather surprised, looking at the increased size of the ships now building, and the very inadequate number of graving docks, that a larger sum was not taken to remedy the existing state of things. There was scarcely any graving dock that could take those vessels in. At Portsmouth there was only one, and he wished to know what steps were to be taken to provide the requisite accommodation.

MR. CORRY observed, that it was stated in the House a few nights since that the water on Portsmouth Bar was so shallow that large ships could not enter the harbour, and it had been even suggested that in consequence of this Portsmouth ought to be abandoned as our first naval arsenal. In the course of the last two years, how-

*Mr. Bentinck*



ever, at an expense of about £28,000, the water on the bar at the entrance to Portsmouth had been raised to the depth of nearly 27 feet at neap tides and 30 at spring tides, so as in smooth water to admit the largest ship in the navy; and he thought that they might for another £28,000 or £30,000 nearly double the depth already obtained. Having obtained an addition of 5 feet, they might by the expenditure of a similar sum deepen to the extent of 10 feet; which would be two or three feet more than would admit the largest ship in the world at neap tides. There was no reason, therefore, to abandon Portsmouth as our great naval arsenal. At the same time he thought it very important to increase the dock accommodation there as much as possible. From the enormous length of our new iron ships there was hardly a dock that could hold them. Between 1841 and 1844, when Sir Robert Peel was in power, they had plans for a great dock at Portsmouth of 400 feet long, which would have been constructed if the Admiralty had continued in office; but, from motives of economy, the plan was abandoned by the succeeding Board. At Cherbourg, a great naval arsenal exactly opposite Portsmouth, there was great accommodation for large vessels. There were no less than seven docks with a depth of 27 feet over the sill. At Portsmouth, however, there was only one such dock, and it was necessary that that state of things should be altered. He therefore wished to call the attention of the noble Lord at the head of the Government to the question. It was absolutely necessary that it should be looked at in a large spirit, with the view of obtaining additional dock accommodation for large ships either at Portsmouth or elsewhere. At Portsmouth there existed all the means of obtaining the accommodation required. The noble Lord the Secretary to the Admiralty said that in 1864 there would be sixteen large iron-cased frigates ready for sea, and there were only two docks at Portsmouth which would contain vessels of that size, and as iron ships fouled so rapidly, more accommodation was absolutely necessary. He was glad that the Admiralty had adopted a plan which he recommended in 1844, and that they were constructing extensive docks and basins at Chatham; but Chatham, although a good place for the repair of the fleet in reference to operations in the

Baltic and North Sea, was inconveniently situated for general purposes. He should be glad to see £100,000 voted next year for docks at Portsmouth, and about £900,000 or £1,000,000 subsequently to complete the works.

MR. WHITBREAD said, there had been an absolute gain all over the bar at Portsmouth of a good four feet. He believed it was nearer five feet. But the Admiralty wished to wait and see whether the depth would be maintained, or whether the excavation or bar would fill up, before they expended any more money at Portsmouth. By the last soundings it appeared that there had been a little filling up on the western side, but the bar had extended itself a little to the eastward, and there was no loss at present. Further soundings would be taken in April, and if they were satisfactory, the Admiralty would deepen the entrance further with the money which he hoped the Committee would vote in the Estimate. Before doing anything to extend the establishments at Portsmouth, they ought to be certain that the entrance would be efficiently maintained; and the Committee must remember, that if they made a large basin at the end of the dockyard, it would detract to some extent from the tidal water, and lessen the scour out of the harbour. The hon. Gentleman had rather understated the accommodation which they would have in 1864. They were making a dock at Portsmouth known as the North Inlet Dock, and they were lengthening No. 8 Dock at Portsmouth. At the end of the present year one dock at Devonport would be finished, and they were extending and deepening the lock into the basin at Keyham, and also lengthening one of the docks at Keyham; so that by 1864 there would be five docks capable of containing vessels of the largest size, those at Keyham and Devonport receiving them at any high water on any day in the year. With regard to the works at Chatham, for the next year or two they would consist mainly of excavations and piling, for which convict labour was admirably adapted, and therefore the amount of money voted would not represent the full amount of progress which would be made. As to the question put by the hon. Member for Norfolk with respect to the coaling, it was a most important matter, and would not be lost sight of. One of the best plans seemed to be to coal from barges on either

side. That was a plan largely adopted by merchant steamers, and he did not see why the Admiralty should not resort to it.

SIR JAMES ELPHINSTONE said, that as the water flowed two hours later out of Langstone harbour than out of Portsmouth harbour, it would be easy to direct any amount of scour out of the latter, even if the dock which he proposed was made. He therefore considered that if the Government applied steam power in dredging at Portsmouth, they would be able to remove all the obstructions, although the bottom of the harbour was one of a rocky character. An impression prevailed that vessels could only enter Portsmouth harbour at certain seasons, but he had information that there was no time of the year when vessels could not enter Portsmouth harbour with anything like a favourable wind. Last week the *Defence* entered Portsmouth harbour at neap tide, and she drew only one foot less than the *Warrior*. The *Trafalgar*, drawing twenty-seven feet, went out at the dead of the neap, at eight o'clock on Saturday morning. There was no difficulty in dredging away the difference of level between the Spit Buoy and the gullet of the harbour.

SIR MORTON PETO said, that notwithstanding the information of the very highest authority which had been given to the Committee, he was still of opinion that, if they removed the bar at Portsmouth, the travelling shingle would fill it up again. He (Sir Morton Peto) adhered to what he had said before, that there were not above five days in the month when the *Warrior* could cross the bar of Portsmouth harbour.

MR. CORRY said, he had received reliable information that the *Warrior* could go over the bar in Portsmouth harbour for twenty days in the month. With regard to the harbour itself, if it was possible to deepen it five feet at a cost of £28,000, *a fortiori* it must be easier to maintain that depth, and the outlay requisite for that purpose would be economy itself compared with the expense of removing the whole establishment to another place.

COLONEL SYKES said, he wished to know why the Government did not make their own gas at all the dockyards, as it would be economical to do so? He found that while they expended for gas at Deptford only £250 where they had their own works, they paid for gas at Woolwich, £1,138; at Chatham, £900; at Sheer-

ness, £700; and at Portsmouth, £1,650 a year. If gas works had been erected at those places, there would have been a considerable saving to the country, and he hoped the re-echoing of the question would in the end have the desired effect at the Admiralty.

Vote agreed to; as were also the following Votes:—

(11.) £66,000, Medicines and Medical Stores.

(12.) £98,708, Naval Miscellaneous Services.

(13.) £702,308, Half-Pay, &c.

(14.) £194,282, Civil Pensions and Allowances.

(15.) £481,036, Military Pensions and Allowances.

(16.) £188,650, Freight of Ships.

MR. BENTINCK said, he would again take occasion to express his belief that the possession of a larger number of troop-ships would conduce to the benefit of the public service, and would be productive of true economy. Cases would likewise occur where, with hired transport ships, very awkward consequences might ensue; the captain of a merchant vessel might object to land troops under fire, alleging that by so doing he would peril his insurance.

MR. LINDSAY denied, that the owners of a merchant vessel would suffer if the ship were lost under the circumstances supposed by the hon. Member for Norfolk. He was convinced that in the last resort the Government would take care that they should not be losers. With regard to the alleged expediency of constructing additional transports, he might refer to the evidence given by Sir Alexander Milne, one of the ablest public servants of the Admiralty, who showed conclusively that hired merchant vessels cost exactly half as much as Government troop-ships. He therefore thought it was sound policy to keep as many troop-ships as would be required in time of peace, and in time of war to depend on the merchant service. These Estimates had been got through with a speed and at a period of the Session unparalleled in his experience. Knowing the many burdens to which the country was exposed, he could not bring himself to believe that voting away £12,000,000 in two nights was a course likely to commend itself to general approbation.

SIR JAMES ELPHINSTONE said, he must maintain, with all deference to Sir

*Mr. Whitbread*



Alexander Milne, that the country ought to have ten more troop-ships. Vessels had been taken up and chartered as transports which ought never to have been sent to sea if they had better ones to put in their places. As for the alleged economy of employing merchant vessels, he knew that when he was carrying troops for the Indian service years ago the charge was at the rate of £15 per man. He observed that £15 per man had recently been paid for sending them to Halifax.

*Vote agreed to.*

*House resumed.*

Resolutions to be reported *To-morrow*.  
Committee to sit again *To-morrow*.

#### OFFICERS COMMISSIONS BILL.

LEAVE. FIRST READING.

SIR GEORGE LEWIS: Sir, I rise to move for leave to bring in a Bill of which I have given notice. This Bill is purely of a technical nature, but it is right that I should explain to the House the precise effect which I wish it to have. The House may not be aware of the exact form now adopted with respect to the commissions of military officers. In every case—whether it be that of a first commission or that of the promotion of an officer—a “submission” is made by the Commander-in-Chief to the Queen. He states the name of the officer, together with the rank in the army which it is proposed the officer should hold. If the Queen approves it, Her Majesty signs her name at the top of the submission paper, and also signs a direction at the bottom of the paper to the Secretary of State to prepare a commission according to the name and the degree stated in the body of the document, and the latter is then returned to the Commander-in-Chief. It is sent by him to the War Office, and then it becomes the duty of the Secretary of State to prepare a commission according to the directions contained in the paper. This commission runs in the name of the Queen—that the Queen grants certain rank in the army, and certain powers to the officer named in the document. When made out, the commission is sent by the Secretary of State to Her Majesty. Her Majesty writes her name at the top of the document. It is countersigned by the Secretary of State, and then it is complete. The House will see, therefore, that in order to enable an officer to obtain a commission in the army it is necessary

that Her Majesty should sign her name three times. By the present custom the sign manual is repeated three times for that purpose. That rule applies to all the land forces. With regard to the marines, the practice of the Admiralty is to send the commission of every officer of marines, to the Queen, and Her Majesty signs it in the same way as those of the officers in the army are signed. It is also necessary that the commissions of Quartermasters General and Adjutants in the militia should be signed by the Queen; and they are sent from the War Office in a similar manner. I may also observe to the House that all officers in the store department of the War Office are to receive commissions, and these commissions they will receive from the Queen. Again, the change made in respect of the Indian army brings the whole of that army on the Home establishment; and, according to the present practice, all the commissions in the Indian army will require the signature of Her Majesty. I am told that the number of these commissions will be 6,000; and the commissions of officers in the storekeeper's department of the War Office—which will be very numerous—will also require the sign manual. I think the House will see that this repetition of the sign manual gives no particular security; that by the attachment of the Royal signature to the “submission” paper the officer himself has a complete assurance that this commission from the Queen has been directed by Her Majesty. There is no advantage to the officer himself from having the sign manual placed on his commission; and, it appearing that no advantage arises from what, under present circumstances, may be termed pressing on the Queen this mechanical labour, the object of the measure which I am about to propose is to give power to Her Majesty in Council to determine what class of commissions should be attested by the Commander-in-Chief and the Secretary of State for War without the sign manual being attached to the body of those commissions. I shall therefore conclude by moving for leave to bring in a Bill to enable Her Majesty to issue commissions to the officers of her Majesty's land forces and Royal Marines, and to Adjutants and Quartermasters of Her Militia and Volunteer Forces, without affixing her Royal sign manual thereto.

SIR JOHN PAKINGTON said, that the Bill was of a very unusual character,

involving what appeared to be an invasion of the Royal prerogative. He had no inclination to oppose the introduction of the measure, with the understanding that he was not thereby committed to its approval.

MR. HENNESSY asked, how it happened that the power of attaching the Royal sign manual did not already exist? He believed that the House was trenching on the royal prerogative in proposing to pass a Bill to give certain powers to the Queen in Council; and he believed that the Queen had full powers at present to delegate her sign manual.

THE SOLICITOR GENERAL said, that the Royal prerogative of the sign manual was exercised "as had been the custom." If that custom were departed from, questions might arise as to the legality of the sign manual. It was therefore prudent and constitutional to make the alteration by an Act of Parliament.

MAJOR PARKER said, that when the Indian army was under the Court of Directors only the highest officers in it held commissions under the Royal sign manual. Leave given.

Bill to enable Her Majesty to issue Commissions to the Officers of Her Majesty's Land Forces and Royal Marines, and to Adjutants and Quartermasters of Her Militia and Volunteer Forces, without affixing Her Royal Sign Manual thereto, ordered to be brought in by Sir GEORGE LEWIS and Viscount PALMERSTON.

Bill presented, and read 1<sup>o</sup>; to be read 2<sup>o</sup> on Monday next, and to be printed.

#### COPYRIGHT (WORKS OF ART) BILL.

##### LEAVE. FIRST READING.

Order for Committee read.

House in Committee.

THE SOLICITOR GENERAL said, he rose to move for leave to bring in a Bill to amend the law relating to copyright in works of fine art. The law on that subject was at present in a very imperfect and anomalous condition. Copyright had been created in books and other subjects. With respect to the fine arts, two series of Acts had been passed, giving a copyright of a limited and special nature. In 1735 an Act was passed at the instance of the celebrated Hogarth, giving a copyright in prints and engravings, but awarding no protection to the pictures from which they were taken. In the present reign that protection was extended to lithographs. Another series of Acts gave copyright to sculp-

tures, models, and casts. That was the extent to which works of fine art were protected in this country. It might appear a singular thing, that while an engraving enjoyed protection, the picture from which it was taken should be without of any protection at all. Yet that was the present state of the law. This, the principal evil he proposed to remedy, was almost peculiar to England. In most European countries the principle of copyright extended through the whole range of the fine arts, and especially existed in regard to pictures; and if we had a similar copyright, the benefit of the laws of the different countries with whom we had connections under the International Copyright Acts would be obtained by our artists. The periods for which copyright were given in this country varied rather arbitrarily. He had taken as the period of copyright for pictures, drawings, and photographs the period of life and seven years beyond. That was one of two alternative periods adopted in Mr. Serjeant Talfourd's Act giving a copyright in books. He believed that such a limited protection for life and seven years beyond would be satisfactory to artists, and that protection would extend to every painting, drawing, and photograph now in existence, or which might be hereafter made, and which had not already been sold or disposed of. He had not thought it expedient to make the Act retrospective, so as to give a copyright either to the painter or the purchaser of pictures, &c., already parted with. The Bill did not propose, when a picture was sold, to give any copyright as against the purchaser, unless the copyright were especially reserved by the author at the time of sale. He did not propose to extend the protection beyond paintings, drawings, and photographs. The Bill would give the ordinary legal remedies and penalties to secure copyright. Another object was to put a stop to a considerable trade which had grown up in spurious pictures, the manufacturers of which counterfeited the marks and monograms of artists of eminence, whose reputation suffered from the fraud while the public were imposed upon. The Bill proposed to make that offence a misdemeanour and to protect artists against frauds. The Bill differed considerably from that of last year. It was simplified, and some of the more questionable provisions of the measure of last year were omitted. In the previous Bill

*Sir John Pakington*



there was a provision that even in cases where there was no subsisting copyright, and where any one was at perfect liberty to engrave a work, the name of the author should not be affixed to any copy or engraving. That did not appear to him a reasonable provision, and he had not retained it. In other respects the Bill was much simplified. The penalties would be found to be not so severe as before, some having been omitted and others modified. It was of considerable importance in the present year that such a Bill, if the principle was approved by the House, should be passed with despatch; otherwise foreign artists, who had a copyright in their own country in those works which we were most anxious to see in the Great Exhibition, must either withhold their contributions or expose themselves to the danger of having their rights invaded. He begged to move for leave to bring in the Bill.

SIR MATTHEW RIDLEY said, he regretted that the Bill did not include any provision with regard to works of plastic art.

THE SOLICITOR GENERAL said, that protection was at present afforded by law for fourteen years at all events, and if the author were living, for a further similar period, making altogether twenty-eight years after the first production or publication to works of sculpture, casts, and models. The natives of countries which have treaties of international copyright with England enjoyed the benefit of that protection.

SIR MATTHEW RIDLEY observed, that the present state of the law was most unsatisfactory both to the professors and patrons of that branch of art.

#### *Resolved,*

"That the Chairman be directed to move the House, That leave be given to bring in a Bill for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the commission of Fraud in the production and sale of such works."

#### *House resumed.*

#### *Resolution reported.*

Bill *ordered* to be brought in by Mr. MASSEY, Mr. SOLICITOR GENERAL, and Mr. ATTORNEY GENERAL.

Bill for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the commission of Fraud in the production and sale of such works, *presented*, and read 1<sup>o</sup>.

House adjourned at a quarter after Eleven o'clock.

## HOUSE OF LORDS,

*Friday, February 28, 1862.*

MINUTES.]—PUBLIC BILL.—2<sup>a</sup> Gardens in Towns Protection.

### UNITED STATES—BLOCKADE OF THE SOUTHERN PORTS — THE CORRESPONDENCE.—QUESTION.

THE EARL OF CARNARVON said, that within the last twenty-four hours various papers had been laid upon the table in reference to the blockade of the Southern Ports. Those papers, no doubt, contained a great deal of valuable information; but they were also remarkable for the absence of information upon certain points of too great importance to be passed by. They contained Reports from the various consuls as to the adequacy or inadequacy of the existing blockade; they specified cases in which British vessels had broken it, together with a statement of ships that had been allowed to pass without let or hindrance from the cruisers of the Government of the Northern States; but they did not contain any information with respect to any communications which had passed between Her Majesty's Government and the Governments of foreign States in regard to the blockade. He wished to ask the noble Earl the Foreign Secretary, Whether any such communications had passed; and, if so, whether there was any objection on the part of the Government to lay those papers, or extracts from those papers, before the House? He did not complain of the course which the Government had adopted in issuing the papers now before their Lordships, but there was great inconvenience in discussing a subject of this character upon papers presented in a fragmentary form. There was some excuse at the close of a Session for papers being so presented; but when neither the public offices nor the Parliamentary printers were overtaxed, it would be desirable to have the papers laid on the table as a whole, in order that a satisfactory judgment might be pronounced upon them.

EARL RUSSELL said, that Her Majesty's Government had not had any formal communications with foreign Governments on the subject of the blockade. From time to time the French Ambassador and some other representatives of maritime States had asked him what course the British Government intended to pursue. His reply to

those questions were to the same effect as the despatch which he had addressed to Lord Lyons. No formal communications, however, had passed, and therefore there were none to lay upon the table. With regard to the mode in which the papers were presented, it seemed to him that they were much clearer and more intelligible when they were presented divided into the several subjects. He begged to lay on the table a despatch which he had just received from Lord Lyons, with regard to the blocking-up of Charleston Harbour, in which Mr. Seward is said to have stated that no more stone-ships would be sunk.

EARL STANHOPE wished to know whether the despatch did not confirm the Reports which he had alluded to on a former occasion as to the sinking of a second stone fleet?

EARL RUSSELL:—There is a statement in these despatches, and it has appeared elsewhere, that there had been a complete filling-up of Charleston Harbour; but Mr. Seward says this is not so—that all has been done that ever was intended to be done, and that there will be no further attempts to block up the harbour.

#### ITALY—THE PROCLAMATION OF COLO- NEL FANTONI.—EXPLANATION.

EARL RUSSELL:—I have to state to your Lordships that I have received information since the meeting of the House yesterday, with reference to the Neapolitan proclamation which was brought under your Lordships' notice by the noble Earl opposite (the Earl of Derby). It appears that when my despatch reached Turin, Sir James Hudson was at Milan, and that explains the delay which arose in the return of an answer to it. I have received an intimation last night that an explanation on the subject would be sent to the representative of the Italian Kingdom in London, who accordingly called on me this morning, and brought me the answer of Baron Ricasoli. The answer is to the effect that the proclamation of the commandant at Lucera was published without the sanction of the superior military authorities, and was immediately suppressed. The despatch went on to say that it was necessary to take very active and stringent measures for the suppression of brigandage, which is extremely injurious not only to the general peace of the country, but to the pursuits of industry and agriculture in the various districts where it prevails. The measures for putting it down are stated

*Earl Russell*

to have been always concerted with the municipalities; so that if they contained anything injurious either to the prosperity of the districts or to innocent persons, the municipalities would not have agreed to them. As, however, the proclamation in question did not meet with the approbation of the superior military authorities, it was, as I have stated, immediately suppressed. The diplomatic representatives of Her Majesty are, therefore, not to blame for omitting to report it to the Foreign Office.

THE EARL OF DERBY:—I am very glad to hear the explanation which the noble Earl has given us. I am only sorry that he did not receive it in time for the answer to the question which I put last night, because it would have saved a good deal of conversation which turns out to be useless, inasmuch as the genuineness of the document is now admitted, and the very valuable information brought by the noble Duke (the Duke of Argyll) from Turin, that the proclamation was a copy of a document published in 1810, turns out to be no information at all. It appears that the *Armonia* was right in publishing it as a document which emanated from an officer in the Neapolitan dominions, that it is entirely genuine, and that it is precisely of the character which I stated. I am extremely glad to hear that the Italian Government have felt it their duty to renounce and repudiate it in the strongest terms, and I hope your Lordships will now consider that I was fully justified in bringing the matter under your Lordships' notice.

#### GARDENS IN TOWNS PROTECTION BILL.

##### SECOND READING.

Order of the day for the Second Reading read.

LORD ST. LEONARDS presented a petition of John Augustus Tulk, of Dunston Lodge, Spring Grove, Hounslow, Esquire, for amendment of the Bill, and praying to be heard by counsel against it.

LORD REDESDALE, in moving the second reading of the Bill, said it did not affect Leicester-square any more than Grosvenor-square, Bedford-square, or any other square; the object being to protect the health and enjoyment of the public. Where lands had been left as open spaces for the health and enjoyment of the inhabitants it was important to preserve them in that condition. It was not proposed to take possession of private property, unless



it was in such a state as imperatively required some interference. If this had been a new principle, he might have hesitated to suggest it. But the Bill was strictly in conformity with those provisions of the Metropolis Local Management Act which, in the case of gardens in front of houses, prohibited the owners building on those gardens within thirty feet of the roadway, and authorized the vestry board to demolish any such buildings at the expense of the owner. The case with respect to property in gardens was much stronger than with respect to property in squares, because the gardens had never been used by any one except the persons occupying or owning the houses to which the belonged; whereas the squares were used in common by all the residents in the houses which surrounded them. Many years ago a public statue, of no great merit as a work of art, stood in the centre of Leicester-square, and he doubted very much whether there was any right to remove it, or to convey the ground upon which it had been erected. He did not object to the case of the petitions being brought before their Lordships, but he hoped they would not send the Bill to a Select Committee. It was entirely a question of principle, and if the object was wrong the Bill should be rejected.

*Moved*, that the Bill be now read 2<sup>a</sup>.

LORD ST. LEONARDS thought that an opportunity should be given to the freeholder of Leicester-square to explain his objections to this Bill before a Select Committee.

After a few words from Lord REDESDALE,

THE LORD CHANCELLOR thought, that though the general objects of the Bill were extremely desirable, yet considerable injustice might be done unless some amendments were introduced in Committee. He did not see how it would meet the particular case of Leicester-square.

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

#### LAW OF PROPERTY AMENDMENT BILL.—COMMITTEE.

House in Committee according to Order.

Clause 1. (Restriction on the doctrine of Implied and Constructive Notice, as affecting purchasers for value or mortgages.)

LORD CRANWORTH objected to the clause. It had already been three times before Parliament and had always been

rejected. Nor did he disapprove of constructive notice in all cases.

LORD CHELMSFORD concurred with his noble and learned Friend. The clause proposed to do away altogether with the law as to constructive notice; to this provision he objected.

THE LORD CHANCELLOR was also understood to object to the clause.

LORD ST. LEONARDS expressed his surprise that the noble and learned Lord on the Woolsack did not approve the clause, seeing that his noble and learned Friend had assisted him in the preparation of it. He (Lord St. Leonards) on the suggestion of his noble and learned Friend had inserted some words in it of which he did not himself altogether approve. It had been the object of his life to secure *bonâ fide* purchasers for valuable consideration; and he believed that general regret was felt at the extent to which the doctrine of constructive notice had been carried. With actual notice he did not propose to interfere; the Bill only abolished constructive notice in cases where the Court was of opinion that the conduct of such purchaser or mortgagee amounted to fraud, or to such wilful neglect as amounted to fraud. He was willing to frame the clause in any way that would secure the object he had in view, and to secure that before a man was made liable he should have real notice, such as a honest man would not desire to evade.

LORD CHELMSFORD explained his objection to the clause.

THE LORD CHANCELLOR acknowledged the existence of the evil, and concurred in the desirability of correcting it; but thought it would not be corrected by introducing words so difficult of construction that they would generate additional confusion, instead of furnishing a convenient and practical rule for the guidance of the Courts. He was sure that his noble and learned Friend could frame such a rule. He therefore earnestly begged him to withdraw the clause, and bring forward another expressed a little more fully and definitely.

LORD ST. LEONARDS said, that on the appeal made to him he would not refuse to postpone the clause, with the view of recasting it, if possible, in language better calculated to effect its object.

Clause *negatived*.

Amendments made: The Report thereof to be received on *Tuesday* next.

House adjourned at a quarter before  
Seven o'clock, to Monday next,  
Eleven o'clock

## HOUSE OF COMMONS,

*Friday, February 28, 1862.*THE RIVERS SHANNON AND SWABE.  
QUESTION.

COLONEL FRENCH said, he desired to ask the Chief Secretary for Ireland, If any steps have been taken by the Irish Government to inquire into the facts contained in the Memorial presented to the Lord Lieutenant relative to the condition of the Rivers Shannon and Swabe agreed to at a Public Meeting of the Landowners, Landholders, &c., held at Athlone in November last; and when a reply to such Memorial may be expected?

MR. PEEL in reply said, that the Memorial had been considered, and that the Treasury was about to communicate with the Irish Government upon the subject. He might at the same time state that there would be no objection to an investigation limited to inquiring whether, without lessening the facilities of navigation which had been obtained at so large an expenditure of public money, it might be possible to do anything to diminish the liability to flooding of the lands adjoining the Shannon. That inquiry would only be undertaken upon two conditions—one that the memorialists or landowners should undertake to defray one-half of its cost; and the other, that the cost of any works which might be recommended should be defrayed by the owners of land.

COLONEL FRENCH said, he wished to inquire whether the right hon. Gentleman proposed to return to the counties the £300,000 which had been raised for works not executed?

MR. PEEL said, he believed that there was no evidence to show that the Shannon Commissioners did not carry out all the works which were contemplated at the time the Act which appointed them was passed.

## HOLYHEAD HARBOUR.—QUESTION.

In reply to Mr. CORRY,

LORD CLARENCE PAGET said, that he anticipated that when the correspondence between the Treasury, the Admiralty, and the Post Office with reference to the pier and other accommodation at Holyhead was completed, which he hoped would

be before long, there would not be any objection to laying it upon the table.

## GASHOLDERS.—QUESTION.

MR. H. B. SHERIDAN said, he wished to ask the Secretary to the Treasury, When certain copies of the Models of Gasholders, deposited in the Office of the Comptroller General of the Exchequer, in compliance with the 3rd Section of the Sale of Gas Act, 22 & 23 Vict., c. 66, will be sent to the Lord Mayor of London and the Chief Magistrates of Edinburgh and Dublin, as required by the Sale of Gas Act?

MR. PEEL said, that he was informed that three copies of the Models of Gasholders deposited in the Office of the Comptroller General of the Exchequer, in compliance with the 3rd Section of the Sale of Gas Act, were completed, and ready to be sent to London, Edinburgh, and Dublin. The Lord Mayor of London had been informed that the model was ready for him whenever he chose to send for it. As to the other two, they would not be sent until it was ascertained that proper accommodation was provided for them.

## DIPLOMATIC SERVICE.—QUESTION.

MR. MONCKTON MILNES said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is the intention of the Government to comply with the Recommendation of the Diplomatic Committee of last Session?

MR. LAYARD said, the Report of the Committee had been taken into earnest consideration at the Foreign Office, and an attempt had been made to embody their recommendations in a scheme. That scheme had been forwarded to the Treasury, and in case it met with their approval it would rest with that Department to submit such demands to the House as might be necessary to cover the additional expenses that would be entailed by the alterations recommended by the Committee.

GALWAY PACKET SERVICE.  
QUESTION.

MR. H. BERKELEY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether his attention has been directed to the loss to the country in the conveyance of Mails between Galway and America; and if he is prepared to recommend its resumption?



THE CHANCELLOR OF THE EXCHEQUER:—Sir, I have seen and read the Report of the Postmaster General to which my hon. Friend refers, and I have no doubt that he must be accurate in the statement which he makes. But with respect to the resumption of the Galway Contract, and the general subject of steam communication between Galway and America, I have only to say, that if Her Majesty's Government should see cause to propose any further measure on that subject, their intentions will be made known to the House by my noble Friend (Viscount Palmerston) on the first fitting opportunity.

#### AFRICAN SLAVE TRADE—THE AMERICAN SQUADRON.

##### QUESTION.

MR. WYLD said, he would beg to ask the First Lord of the Treasury, Whether any communication has been made to the Government of the United States upon the withdrawal of the American squadron from the coast of Africa; whether any attempt was made by the British Government to induce the President of the United States to prevent the use of the United States flag by foreign slavers on the West Coast of Africa; and whether any request has been made to the President of the United States to permit British ships of war engaged in the suppression of the Slave Trade to ascertain (during the absence of the United States squadron) the nationality of ships which may hoist the flag of the United States?

VISCOUNT PALMERSTON:—Sir, a representation has been made to the United States Government that the number of guns stipulated by treaty to be employed by them on the coast of Africa for the suppression of slavery are not now on that station. The answer given was, that the necessities of war, and of the blockade which they were establishing on the Southern Coast, obliged them to withdraw from foreign stations part of their cruisers which had been there employed. Undoubtedly, this answer, though one cannot altogether contest it, is not a very satisfactory one, because it only amounts to this—that the United States fail in executing the engagement of a treaty relating to a subject in which Englishmen take great interest, because the cruisers which ought to be employed there were employed in establishing a

blockade which in itself was very injurious to the interests and commerce of this country. But I believe, however, that I am warranted in saying that the President of the United States is very anxious to co-operate with Great Britain for the suppression of the Slave Trade. In what particular way that may be done, it is not at present for me to say, but I am satisfied there is an earnest desire on the part of that people to employ all the means they have at their disposal to put down the Slave Trade; and, in proof of that, I may mention, what indeed I stated on a former evening, that an American citizen, who was convicted of acts in furtherance of slavery, now lies under sentence of death in New York.

MR. WYLD said, he must remind the noble Lord that he had not given any answer to the last branch of his question. At present the whole of the Slave Trade on the coast of Africa was carried on under the United States flag.

VISCOUNT PALMERSTON: My hon. Friend must be aware that no permission given merely by the President of the United States can be effectual. Such a right of search as he contemplates can only be exercised under a treaty sanctioned by the Senate.

#### THE EMIGRATION DEPARTMENT.

##### QUESTION.

MR. CHILDERS said, he wished to ask the Under Secretary of State for the Colonies, If any communication has been made to the Admiralty relative to the recommendation of the Transport Service Committee as affecting the Emigration Department; and if he will state the purport of such communications?

MR. CHICHESTER FORTESCUE said, his noble Friend at the head of the Colonial Department, without attempting to go into the general question of the Transport Board, had represented to the Admiralty that the process of removing British emigrants from this country to the Colonies was long and complicated, depending not merely on the transport itself, but on the previous steps taken for the selection and bringing together of emigrants, and that it would probably be highly disadvantageous to the conduct of emigration if all the steps of that process were not to remain in the same hands. He further pointed out that the transport itself would probably not be so well managed

when forming only part of the business of a huge department as it was at present, when undoubtedly the arrangements had been brought almost to perfection. The duties of the Emigration Department went much beyond mere transit to Australia; it had most important functions to discharge in the regulation and superintendence of the immigration from India and China to the West Indian Colonies and the Mauritius. It had constantly to advise the Colonial Office upon questions connected with land and labour in the Colonies; so that, even if its shipping functions were thrown upon the Transport Board, it would still be necessary to form an Emigration Department at the Colonial Office; and consequently there could not be much saving. His noble Friend the Colonial Secretary, on the whole, was strongly of opinion that to sanction the proposed transfer of duties to the Transport Board would be to sacrifice a most useful system, now in excellent operation, to what was little more than a false attempt at uniformity; that the Colonial Agents would not feel equal confidence in the new administration, and that the change would therefore only tend to revive all the old evils of emigration.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

#### EDUCATION.—THE REVISED CODE OF REGULATIONS.—QUESTION.

MR. DISRAELI: Sir, seeing the noble Viscount the leader of the House in his place, I wish to make an inquiry of him on a point connected with the course of public business, which I believe is of much interest to the House. The noble Lord is aware that my right hon. Friend the Member for the University of Cambridge has given notice of a Motion on Tuesday, the 25th of March, to the effect that this House upon a subsequent day, to be then named, shall go into Committee of the whole House, to consider the mode of distributing the national fund for the purposes of national education. My right hon. Friend said that he would be prepared on the 25th of March to ask the opinion of the House whether it was desirable or not to consider the subject in Committee; and if they agreed to that Motion, he would before the day for going

into Committee be prepared to lay his Resolutions on the table of the House. But yesterday some hon. Members sitting on the opposite benches seemed to be desirous that the Government should agree to the Motion, and pressed the Government to take that course. Some answers were given by various Members of the Government, which have occasioned, I believe, great ambiguity on the subject. The noble Lord must feel that this is a subject upon which a clear understanding is most desirable. I therefore wish to inquire from the noble Lord, what is the course which the Government are prepared to take upon the question? A right hon. Gentleman on the Treasury bench led us to infer that it was possible for the Government to agree to go into the question on the 25th.

SIR GEORGE GREY: I rise to order. If the right hon. Gentleman refers to what was said from the Treasury bench, of course those hon. Members to whom he alludes must have an opportunity of replying.

MR. DISRAELI: I only wish to make a few observations in order to render my statement clear. If the right hon. Gentleman thinks I am misrepresenting the case, he will have an opportunity of replying to me on a subsequent occasion. I wish now to put a question to the noble Viscount. I apprehend what both sides of the House wish to understand is this:—Are we, on the 25th of March next, to go *bonâ fide* into Committee of the whole House on the question of distributing the funds for the purposes of national education? If that is the wish and determination of the noble Lord, my right hon. Friend has said that he will be prepared on a convenient occasion—so that the House will have ample time for consideration—to lay his Resolutions on the table; and, of course, any other hon. Gentleman who may wish to lay Resolutions on the table in reference to the same matter will also have full opportunity of doing so. Now, I wish to know what really is the intention of the Government in respect to this matter—whether they are prepared to agree to the consideration of these Resolutions in Committee? In that case, we shall, of course, go into Committee upon them on Tuesday, the 25th of March.

VISCOUNT PALMERSTON: Sir, I was not here yesterday, but on reading the record of what passed, which is in the

*Mr. Chichester Fortescue*



hands of everybody, it does not appear by me that there was any ambiguity in the answer given by my right hon. Friend, which the right hon. Gentleman imagines. But to answer his question, I have no difficulty in stating that Her Majesty's Government feel the subject of education as connected with the Revised Code and the Minutes of the Council to be a matter on which such great and extensive interest is felt that there can be no reasonable objection to consider in Committee of the whole House the proposals which any hon. Member may think fit to make on that matter. The right hon. Gentleman the Member for Cambridge appeared to me to describe very accurately, and very succinctly, the course which he meant to pursue. I presume his Resolutions would be Resolutions bearing on the Revised Code, and on the minutes of the Committee of Council for Education; that they would bring on for discussion the questions which have been under consideration. There are two courses which he might pursue. He might either do that which I understand him to have indicated; that is to say, he might give notice that on a certain day he would move that on a subsequent day the House should resolve itself into Committee on that matter, and might state at the same time that he would not hang up his Resolutions for criticism till the time arrived for the House to resolve itself into Committee. That is the course he might adopt if he were very modest as to the nature of his Resolutions. The more natural course would be, that he should lay those Resolutions on the table of the House, and simply give notice—as I believe was done by my noble Friend Earl Russell on a former occasion—that he should, on a subsequent day, move the House to resolve itself into Committee on those Resolutions. But these are distinctions on a matter of form. Substantially, the Government will have no objection to have the proposals, whatever they may be, bearing on the subject of education as carried on by the Committee of Council, discussed in a Committee of the whole House.

MR. WALPOLE: Sir, from the answer just given by the noble Viscount, I infer that the Government would have no objection, if I laid my Resolutions on the table, as I said yesterday I should be prepared to do, at least a fortnight before the day on which I am to make my Motion

for going into Committee, that I might then move, instead of the House going into Committee on a future day, that the House should go into Committee on the day appointed for the Motion—namely, Tuesday, the 25th of March. Am I correct in supposing that the noble Lord would not then object to going into Committee? Is that what the Government are prepared to do? I believe that course would be the most convenient that could be adopted, for it would enable me to bring forward the question earlier than otherwise it would be in my power to do. Then, if the noble Viscount consents, I would first give notice of a Motion for this House going into Committee on Tuesday, the 25th of March, and then I would undertake to give notice of my Resolutions at least a fortnight before that day.

VISCOUNT PALMERSTON: I do not think there is any objection to the course proposed by the right hon. Gentleman, as I understand he would lay his Resolutions on the table a fortnight before the day on which his Motion is to come on.

#### TELEGRAPHIC COMMUNICATION WITH AMERICA.—QUESTION.

SIR WILLIAM GALLWEY said, he wished to ask the President of the Board of Trade, If the Government have entered into any negotiations with parties in this country, or considered offers of co-operation from Foreign Governments, for the purpose of laying down Telegraphic communication with America?

MR. MILNER GIBSON: I am not aware, Sir, that Her Majesty's Government have entered into any negotiations with any parties in this country relative to telegraphic communication between England and America. The American Government have expressed, in general terms, a wish that, by some means or other, a telegraphic communication should be established between England and America; but no distinct proposal has been made on the subject, and therefore no negotiations have been entered into with any foreign Governments with reference to such communication.

#### CLEARANCE INWARDS AND LIEN FOR FREIGHT BILL.—QUESTION.

MR. CAVE rose to ask the right hon. the President of the Board of Trade the

question of which he had given notice. It would be necessary that he should preface this question with a few brief sentences by way of explanation; but, as he was well aware that this was not a subject of general interest, though deeply affecting a most important body—the shipowners of the United Kingdom—he would take care that those sentences were very brief and few. In the year 1860 a Bill was introduced into this House, called “The Clearance Inwards and Lien for Freight Bill.” It was intended to repeal certain provisions in the Merchant Shipping Acts which had become obsolete, and were quite inapplicable to the present mode of carrying on the commerce of the country. It introduced uniformity of practice in the place of a most perplexing variety; and it did away with evils which had long been loudly complained of, and which were deeply injurious to the shipping interests of the port of London. To give an idea of the extreme inconvenience of the present law, he would mention only one point out of many. When a ship arrived in port from a voyage, it might be imagined that her owner would require the consignee of her cargo to land it with all reasonable despatch, in order that his vessel might proceed again upon her outward voyage; but the fact was, that he was compelled by law to keep his ship as a gratuitous warehouse for an unlimited period, unless it should suit the good pleasure of the consignee to remove the goods earlier. His only alternative was to enter the goods as his own, which would formerly have subjected him to a penalty, and which was still an irregular act, and might be called an evasion of the law. Now, when it was considered that the introduction of steam and the diminution of the profits of the shipowner had made rapidity in the voyage, and despatch in loading and discharging, most essential, some alteration in the law was absolutely necessary. And since British shipowners were exposed to competition with the whole world, every artificial burden and restriction ought to be removed from them. This was the object of the Bill of 1860. It was no scheme of a private member anxious to indulge some whim of his own, or to further some local interests. On the Back of the Bill appeared the influential names of the President and Vice President of the Board of Trade. It was not hurried through the House without sufficient notice, for, though laid upon the table early in the Session, it

*Mr. Cave*

was carried so late that it could not come before the House of Lords. They were told that the Customs authorities had been duly consulted, and he (Mr. Cave) had reason to know that deputations from shipowners, dock companies, wharfingers, and outports, had frequent and protracted interviews with the right hon. Gentleman, and gave him the benefit of their experience and advice. It was hotly discussed in Committee, at great length, for, he thought, three nights; several changes and Amendments were proposed and adopted, till at length what might be supposed to have been a perfect measure was produced—at least, he knew it gave general satisfaction to the shipping interest. But, as he said before, it was too late to pass the House of Lords, and it was generally understood that it would be reintroduced at the earliest moment of the following Session. But another Session passed away, and there was no sign from the Board of Trade. The shipowners, therefore, naturally complained that their interests had been neglected, and he thought that the House had a good right to complain that a measure which it passed with so much care and deliberation should have been allowed for so long to lie dormant without an effort to restore suspended animation. Perhaps it might not yet be too late to resort to this process, and it was with that hope that he begged to ask the right hon. Gentleman whether he intended to reintroduce during this Session the Clearance Inwards and Lien for Freight Bill, which passed the House of Commons in 1860, or to incorporate its provisions in any other Bill?

MR. MILNER GIBSON said, that the hon. Gentleman had very accurately described what had passed in the Session of 1860, with reference to the Bill. It was perfectly true that the Bill had passed in that House; but subsequently it was stated that hon. Members connected with the commercial interest had not paid that attention to it which it was desirable its provisions should receive at their hands. That was what had been stated, and it led the Government to reconsider the objections which had been urged to the Bill. He had come to the conclusion that the Bill of 1860 was, in the main, a good one; and they were now in communication with the Customs authorities on the subject. With regard to one portion of the Bill, there was a controversy between the wharfingers on the one hand, and the docks on the other, which was of such a



character as to render it difficult to pass such a measure as the hon. Gentleman wished for; but the Government were willing to introduce a Bill after consultation with the Customs. That consultation was now going on, and he hoped it would settle the matter.

#### THE NATIONAL SCHOOLS (IRELAND).

##### QUESTION.

MR. HENNESSY said, he wished to ask a question of the Chief Secretary for Ireland on a subject which he had brought under the right hon. Baronet's notice about a fortnight previously. An advertisement had appeared within the last few weeks in several of the Irish papers. That advertisement commenced in these terms—

“The Commissioners of National Education are about to nominate four candidates to compete for one vacant place in the class of sub-inspectors of National Schools in Ireland. None but members of the Roman Catholic Church are eligible to compete for the present vacancy. The examination in the following subjects will be held in Dublin under the direction of the Civil Service Commissioners.”

The subjects of examination and other details were then stated; and the concluding paragraph was as follows:—

“Applications, accompanied by copies of testimonials, and stating age and religious denomination of the candidate, must be addressed,” &c.

The advertisement set forth the qualifications for the appointment, with the addition of the religious qualification. The Civil Service Commissioners, in their report, gave the same identical qualifications, with the exception that the religious qualification did not appear in their report. The right hon. Baronet had told the House on a former occasion that he had no influence, directly or indirectly, over the National Board, and that House was therefore the proper place in which any complaint against the Board must be preferred.

What was the meaning of the advertisement? Was it to get the best sub-inspector of schools? If so, they would not get the best men by confining the candidates to one religious denomination. The Board of National Education in Ireland professed to be, he would not say an irreligious Board, but a purely mixed education Board, from the appointments and management of which religion was carefully excluded. The House voted large sums of money in support of a purely mixed system, and then they found that it

was administered on denominational principles. He did not object to that; he only complained that the Government came for money avowedly to promote mixed education. He was told that these appointments were made denominational for the purpose of conciliating an influential section of the people of Ireland, but he would ask whether the proposed was a proper method of conciliation? A man educated by the National Board itself, in the model school at Dublin, where he might have received an admirable education without having heard a whisper of religion, might find himself debarred from this competition by the religious qualification required. Where was he to get his religious testimonials, and who was to examine them? And who would decide whether he was a good Catholic or a bad one? Those were questions which would not come under the cognizance of any Board, and above all a Board of education. The Civil Service Commissioners had been holding examinations seven years; but that was the first time sectarian questions had been imported into them, and he hoped it would be the last. He hoped the right hon. Baronet the Chief Secretary for Ireland would exercise his influence with the Commissioners, and compel them for the future so to conduct their examinations as not to offend any class of the community. He was sure the advertisement was equally as offensive to Catholics as to Protestants and Presbyterians. If good inspectors were wanted, let the competition be open to all.

MR. VANCE seconded the Motion.

Amendment proposed,

“To leave out from the word ‘That’ to the end of the Question, in order to add the words ‘this House is of opinion that the efficiency of the system of Competitive Examinations for the Civil Service would be endangered by the introduction of sectarian distinctions; and that this House is of opinion that the recent announcement made by the Commissioners of National Education in Ireland, to the effect that a vacant appointment under the National Board is to be filled up by means of an Examination to be conducted under the direction of the Civil Service Commissioners, but at which Examination “none but members of the Roman Catholic Church are eligible to compete,” is inexpedient and unwise.”—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

SIR ROBERT PEEL: I think the hon. Gentleman who moved the Amendment, has entirely misunderstood the usual course of proceeding by the Board of National

Education. The hon. Member has said that this is the first time that sectarian influences have been introduced in the appointment of sub-inspectors. [Mr. HENNESSY: I beg pardon. I said, "into Civil Service examinations."] What I was going to observe was, that it has always been the system, although, perhaps, not acknowledged before 1860, when the Board were equally divided between Protestants on the one side and Roman Catholics on the other. The number of the Board was then increased from fifteen to twenty members, ten of whom were Protestants and Presbyterians, and ten Roman Catholics. It has always been the practice as much as possible, I will not say to conciliate, but in the matter of national education in Ireland to divide the patronage between the various religious denominations. Thus, we have one Roman Catholic Secretary, and one Protestant Secretary to the Board. We have one chief inspector who is a Roman Catholic, and one who is a Protestant; and I am told by the Roman Catholic members of the Board that the system has worked well, and that they do not wish to see it changed. I am told that the Protestants are also satisfied. I have nothing further to add, except that when Roman Catholics and Protestants on the Board are so convinced that the system works well, and when the Roman Catholics especially desire no change, I think it not expedient that there should be any alteration.

MR. NEWDEGATE: I quite understand the uneasiness of the hon. Member for the King's County (Mr. Hennessy)—I mean the uneasiness which he has expressed in this House. He fears that there should be introduced into the Civil Service examinations a religious qualification. Now, on former occasions the hon. Gentleman has expressed himself as much in favour of the introduction of the denominational system of education into Ireland. I have heard him put that opinion forward. Well, if we are to have a denominational system, how are the denominations to be ascertained without examination? And how can the hon. Gentleman reconcile his anxiety in favour of a denominational system with his present objection to the very reasonable proposition made in the circular or advertisements issued by the Educational Board in Ireland. It is obvious that when the hon. Gentleman proclaims his anxiety in favour of the denominational system, it must be a

*Sir Robert Peel*

denominational system in the dark, so far as this House is concerned. We have in England admitted the Roman Catholic poor schools to participate in the grant made in this country under the denominational system. I speak of England and Wales. And what has been the result? Why, out of three Inspectors of Roman Catholic schools we have the report of only one. The reports of the other two inspectors have been suppressed as unfit, in the opinion of the Vice President of the Committee of Privy Council on Education, for the perusal of this House. And the one report which has been published states that the accounts of the Roman Catholic poor schools which are under inspection have been rendered in such a manner in several cases as to be perfectly unintelligible. I think these facts are strong reasons against the establishment of the denominational system in Ireland, as formerly suggested by the hon. Member for the King's County. I must say that the proceedings of the Educational Board in Ireland appear to me to be perfectly reasonable and consistent with the grants made for education in Ireland. The Irish national system is intended to be a mixed system. How far it really is so I do not pretend to say, but I must say I think the objection taken to the advertisement in question is exceedingly captious as emanating from the hon. Member for the King's County. I could conceive nothing more appropriate than the reply of the Chief Secretary for Ireland, and I trust the House will excuse my having pointed out the inconveniences that are likely to ensue, according to the showing of the hon. Member for the King's County, if any system were adopted claiming to be denominational, but without the means of ascertaining the denominations in connection with which the educational grants under such a system would have to be administered.

MR. VINCENT SCULLY said, he would not call the terms of the Motion "captious," but he could not understand the object of bringing the subject before the House, except for the purpose of bothering the Chief Secretary, who seemed to be sufficiently bothered already by Irish affairs. It seemed most extraordinary that, though there were last Session and the Session before repeated complaints of the large preponderance of Protestant inspectors, now, when a Roman Catholic was to be appointed, a member



of the same persuasion should start up in the House and say he would not have a Roman Catholic inspector at all. The hon. Gentleman had said that the advertisement had offended Protestants and Presbyterians in Ireland. That might be so, but he (Mr. Scully) denied that it had offended any Roman Catholic except the hon. Gentleman himself. Since there was a strong infusion of the Protestant element into the system, it was only right and fair that it should be counterbalanced by a free infusion of the Roman Catholic element. While the system continued, as the Chief Secretary had remarked, everything should be done to conciliate the people of Ireland. If the hon. Member for Dublin (Mr. Vance) who had seconded the Motion would endeavour to put down Protestant ascendancy and every other ascendancy in Ireland, he should have his (Mr. Scully's) support. For his own part, he would be glad if any person had ingenuity enough to frame a Bill which should make it penal to introduce the terms "Protestant" and "Catholic" into discussions in that House. He was sorry to say that since the commencement of the Session he had hardly heard any Irish member open his lips upon any general subject whatever; he himself had not done so; he had tried it last Session, and he found that it was expected that Irish Members should confine themselves exclusively to Irish subjects.

MR. VANCE said, the hon. Gentleman who had last spoken seemed to have an exaggerated notion of his (Mr. Vance's) power to put down Protestant ascendancy. He believed it no longer existed. What he wanted for the Protestants was fair play, and that he believed would be promoted by assenting to the Motion of the hon. Member for the King's County. As it had been resolved that there should be a national system of education, irrespective of creeds, in Ireland, the practice of advertising for denominational teachers, inspectors, or any others to carry on the system, ought to be condemned. If such a system had been established, it would be more honoured in the breach than in the observance. Men ought to be selected, not for their particular creed, but for their efficiency as teachers or inspectors.

MR. HENNESSY: With the permission of the House, I would withdraw the Amendment; but perhaps the right hon. Gentleman will answer the question, "Will the examination take place?"

Amendment, by leave, *withdrawn*.

VOL. CLXV. [THIRD SERIES.]

#### DISTRESS IN IRELAND.—QUESTION.

MR. GREGORY: Seeing my right hon. Friend the Secretary for Ireland in his place, I wish to ask him a question; and as it is a matter of personal interest to myself, I shall explain in very few words my object in putting the question. My right hon. Friend in a speech the other night, quoted a letter from me to the effect that I had written to him to say that, as far as I could learn, there was an ample supply of food in Ireland. Now, sir, I have been over in Ireland and have made inquiries, and it is my duty to say that there is a great deal of distress in that country. And as that letter might appear to have been written at the present time, I wish to ask the right hon. Gentleman, If it was not dated the 12th of November last, whether it did not refer to my own immediate locality, and whether in that letter I did not mention that there would be considerable distress in Ireland arising from want of fuel?

SIR ROBERT PEEL: In reply to my hon. Friend I beg to say that I had no desire to state anything but that which is strictly correct. It is true I wrote to my hon. friend, as I knew at the time that he was going to Africa, and on his way through Dublin he wrote to me a letter which I received on my return from my prolonged absence in the West. That letter is dated the 12th November. But it contained the words which I quoted, and which were—

"I have taken some pains to ascertain how things stand in my part of the world, and, as far as I can ascertain the real state of the case, I think there will be a sufficient supply of food."

I read that to the House. It is perfectly true he did say he apprehended a scarcity of fuel in the country. The House will recollect that on the first night of the Session I referred particularly to my hon. Friend as regards the deficiency of fuel, and as to his opening his property for the purpose of affording relief to the people.

#### THE LATE MADRAS AND BOMBAY ARMIES.—QUESTION.

COLONEL SYKES said, he rose to ask the Secretary of State for India, Whether the right of Officers of the Native Regiments of Madras and Bombay to succeed by Seniority to the command of Troops or Companies, and to the ultimate com-

mand of their respective Regiments, is abolished; and whether Officers who have elected for local service with their Regiments can be sent to general duty notwithstanding their wish to serve with their own Regiments? The question was rendered necessary by what was called the amalgamation; but what might more properly be designated the dislocation of the armies of India. It had reference to the Madras and Bombay army, that of Bengal having been almost totally destroyed by the rebellion; and he would have it to be remembered that the Madras and Bombay native armies remained loyal to the British Crown, and that to that circumstance must largely be attributed the restoration of British power in India. The officers complained, and not without reason, that their rights had been violated by the sending of staff officers who had been long absent from their regular duties back, not only to their own regiments, but to others to which they had never belonged, and placing them over the heads of the regimental officers who had seen long service, and were entitled to the command of cavalry troops or companies of their own regiments. He held in his hand a list of cases which filled two folio pages, and from which he would cite one or two examples. Major Silver, of the 4th Regiment Madras Native Infantry, had been posted to the 31st, to the prejudice of two regimental captains, one of twenty-five years' service, and the other of twenty-four. Major Groube, of the late 5th Native Cavalry, is with the 2nd Cavalry, though Major Taylor and five captains appear to be present. Major Fowler, of the late 8th Regiment, had been placed in the 1st Cavalry, and had thus superseded all the regimental captains. Major Allen, of the 3rd Native Infantry, had been removed to the 12th, and had superseded the regimental major (Halliday), who had served twenty-four years. In the Bombay army Major Johnston, of the staff corps, who had nominally belonged to the 1st Native Regiment, and who was only a captain of the year 1853 and with army rank of 1859, had been removed to the 1st Grenadiers, and had thus displaced two captains of 1842 and 1844, of twenty and nineteen years' service. Captain and Brevet-Major Soppett, of 1842, of the 12th Native Infantry, is in command of the 25th Native Infantry, though two captains, of twenty and nineteen years' service, and six lieutenants are

*Colonel Sykes*

present with the regiment. The practical result of those arrangements was to abolish entirely regimental rights. The 21 & 22 Vict. c. 106, guaranteed to the military and naval forces of the Indian service the like pay, pensions, and privileges, as regards promotion and otherwise, as if they had continued in the service of the Company; and, by Mr. Henley's clause in the Act of 1860, it was also provided that the advantages as to pay, pensions and allowances, privileges, promotions, and otherwise, should continue and be maintained in any plan for the reorganization of the Indian army, anything in the Act to the contrary notwithstanding. He had thus made out distinctly that these guarantees had been violated and faith broken; and the inference must necessarily be drawn, that regimental succession by seniority, as had been the usage, was to be superseded, and virtually annihilated by the transfer of officers to command regiments to which they did not belong.

SIR GEORGE BOWYER said, that he had received communications from India to the effect that the greatest possible dissatisfaction on this subject existed among the officers of the late Indian army. Those officers who had availed themselves of the option allowed them under certain circumstances of accepting retiring allowances, had their names printed in italics in a list, and, on the death of any one of those officers, no promotion took place; though by the Act of Parliament it was distinctly provided that the officers of the late native Indian army were to be placed in the same position, not only as regards pay, but promotion also, as they would have occupied had they continued to serve the India Company. It was plain that the pledge given to those officers had been broken, because if they had remained in the service of the Company, whenever a death occurred there would have been a promotion. Their chances of promotion had thus been seriously diminished, and he wished to ask what course the Government proposed to take, and whether they were going to consider the matter? He hoped that no consideration of economy would be allowed to interfere, for he was sure that the feeling of the House would be against saving money at the expense of meritorious officers who had spent the best part of their lives in the service of the country.

SIR CHARLES WOOD said, his hon. friend who had just spoken had entirely mistaken the facts of the case. The



names of officers who retired were not placed in italics on the list, but were removed altogether. In the room, therefore, of every officer who died, or who would have retired under the old regulation, another was promoted, so that no such state as the hon. Gentleman supposed prevailed. He might add that an extra retirement list had been provided beyond that which existed a year ago for a certain number of officers; but the Government thought they would not be justified in making so many promotions, as they created retirements, their object being to reduce the army as well as to diminish expenditure. They had, however, given a proportion of promotions in respect of those extra retirements, in the ratio of two out of three, or three out of four, he did not recollect which. [Colonel SYKES: Every other.] To the extent to which the change went, he thought it must be looked upon as a boon to the Indian army.

With respect to the observations of his hon. and gallant friend behind him (Colonel Sykes), he could only say that they had no bearing upon the question of the amalgamation of the two armies. The question which he had put applied in fact altogether to the native army of India, inasmuch as whatever had been done in the direction to which the hon. and gallant Gentleman referred had arisen out of the reduction of that force. His hon. and gallant Friend in dealing with the subject, had mentioned the case of a particular person who had been out of employment for a considerable time; and who, having been suddenly sent back to his regiment, took rank over the heads of men who had served with the regiment during the period of his absence, and that was conceived to be a hardship. The hon. and gallant Gentleman must, nevertheless, be well aware that under the old system in India, officers who were absent for years from their regiments on staff employment, were, on attaining a certain rank, sent back to take the command of those regiments, superseding all the officers who had from year to year been serving in them, and who had performed signal service in command of them. Indeed, he had before him the case of an officer who had, after an absence of fifteen or twenty years, been thus sent back to his regiment. He would remind the House that they must, in considering the subject, bear in mind the fact that the army in Bengal, and also in Madras and in Bombay, to a great extent had been reduced. In Madras, for instance,

four regiments of native cavalry had been discontinued, and an order had been issued to discontinue eight regiments of native infantry. The consequence was that a large number of officers were thrown out of employment; but as to the expediency of the reduction of the native army, which led to that result, he believed no doubt existed. But then arose the question, what was to become of those officers whose regiments had been disbanded? If his hon. and gallant Friend desired that they should enjoy all those advantages to which they might look forward before the Indian mutiny, it was obvious their expectations could be realized only by continuing the native army on the old scale. But as it had been determined to reduce that army very considerably, the question of what was to be done with the officers of the disbanded regiments remained still to be answered. Allusion had been made to the case of a major in a light cavalry regiment in Madras, who—that regiment having been done away with—had been put to do duty with another; but what rank, he would ask, was an officer so situated to hold in his new position? Was he to serve in the regiment to which he had been appointed as major, or captain, or lieutenant, or subaltern? The view the Government had taken of the matter was, that those officers who were deprived, for the cause he had mentioned, of their natural employment should be employed again, as far as possible, with the rank their seniority gave them. That he deemed to be the fairest mode of dealing with a large body of officers, such as those of whom he was speaking; notwithstanding the wishes and hopes of those who held a lower rank might not, in some instances, be as a consequence realized. The best answer, however, which he could perhaps give to his hon. Friend, was to read an extract from the Order which had been sent out to India on the subject.

“Officers of the staff corps will be rarely appointed to do duty with native regiments retaining their regular organization. When so appointed, however, and on public grounds, it would be unjust to deprive them of the privileges attached to their relative regimental rank. Their position in the regiment, therefore, will be similar to that of the officers belonging to the general list formed by your General Order No. 1,637 of 1859, and they will be entitled while so employed to all the advantages of their (original) position as regimental officers. Officers of the staff corps, who while doing duty with their former corps may be promoted in the staff corps to a higher grade, will at once cease to do duty with their former regi-

ments, and must remain unemployed until their services are required for staff duty."

That was the order which had been issued, and he believed it indicated the best course which could, under the circumstances, be taken.

MR. H. BAILLIE said, he did not think the explanation which the right hon. Gentleman had given the House was by any means satisfactory. The case of his hon. and gallant Friend the Member for Aberdeen was this:—A practice had prevailed in the Indian army by which officers of regiments got promotion in rotation, but that the Government, having a number of officers unemployed, were placing those officers in the Bombay and Madras regiments over the heads of officers of long service, and were thereby violating the practice that had previously prevailed. The right hon. Gentleman had virtually admitted the fact, but had stated, that in order to employ those officers there was no other resource than to place them, according to their rank in other regiments. That might be very true; but what sort of answer was it, he should like to know, to make to the complaints of the officers who were thus superseded? Passing over that point, however, he might be allowed to advert to the question raised by the hon. Baronet below him (Sir George Bowyer) which, as he understood it, turned upon an order issued by the Government declaring that certain officers who wished to retire should have a bonus for so doing; and which was accompanied by a regulation stating that the vacancy so created should not entitle the officer next in rank to promotion. Now, of that order the officers next in rank complained. They contended that previous to its issue old officers who would have been obliged to retire, owing to impaired health or any other cause, would, upon their retirement under these circumstances, have created a vacancy which would enable those under them to obtain a step in rank; but that, owing to the operation of the new order, no such promotion took place.

SIR CHARLES WOOD in explanation said, that they had given a bonus to officers who were entitled to retire, and a promotion took place on each of those retirements; but that when they created additional retirements, they then gave only a proportionate amount of promotion.

MR. H. BAILLIE said, that was precisely the grievance, that when officers were induced by the Government to retire,

*Sir Charles Wood*

the amount of bonus they received was a proportion only, instead of being the full amount.

#### EDUCATION.—THE REVISED CODE OF REGULATIONS AND THE PUPIL TEACHERS. — QUESTION.

LORD ROBERT CECIL said, he rose to ask the Vice President of the Council a question of which he had given notice, namely, Whether orders were not issued, shortly after the promulgation of the Revised Code, that the portion of it which concerned the conditions under which Pupil Teachers were to be engaged should be acted upon forthwith; and whether forms of examination, giving notice to that effect, were not printed? The Revised Code had two aspects. In one it was a so-called educational reform, and in the other it had an important bearing upon the privileges of the House of Commons. Some time ago, when the subject was first brought before the House by the Vice President of the Council, the right hon. Gentleman was reproached with having issued the Revised Code as a decree of his own when Parliament had ceased for a time to exist; thereby introducing a vast change into the educational legislation of the country without allowing Parliament any opportunity of pronouncing its opinion on the subject. In reply to that charge the right hon. Gentleman said that the Code by its very nature could not come into operation until the financial year had passed away, and that consequently the accusation could not by any possibility be correct. His exact words were—

MR. SPEAKER said, the noble Lord could not refer to, or quote words used in, a past debate of the present Session.

LORD ROBERT CECIL said, he would bow to the decision of the right hon. Gentleman; but in doing so he might call attention to the fact that the House was about to go into Committee of Supply, and that he was stating a grievance which demanded redress beforehand. If in stating grievances which demanded redress independent Members were to be forbidden from referring to words which had previously fallen from a Minister of the Crown, it seemed to him that the responsibility of Ministers of the Crown to that House would be quite illusory. The ancient and constitutional practice was, that independent Members when the House was going into Committee of Supply, should have an opportunity of calling Ministers



of the Crown to account; but how they were to do so if they were not allowed to quote the words of the Ministers he was unable to conceive. However, in the face of the decision which the right hon. Gentleman had given, he would not quote the words used by the right hon. Gentleman the Vice President of the Council in the recent debate on education, but would only state that on a certain occasion, which he would not particularize, and in a certain place, which he would not name, the right hon. Gentleman, upon being reproached by a certain right hon. Member, to whom he need not more particularly refer, with having introduced the Revised Code as a decree of his own, without subjecting it to the discussion of Parliament, and with having thereby evaded Parliamentary control, replied as follows—

MR. SPEAKER said, the noble Lord could not do by an evasion of the rules of the House that which he could not do under their provisions.

LORD ROBERT CECIL said, he would again bow to the decision of the right hon. Gentleman, but in doing so he might remark that reference was frequently made to debates in "another place" without the slightest interference from the Chair.

MR. SPEAKER said, the rules of that House were very positive upon the point that words used in a former debate could not be quoted or referred to unless the debate was a consecutive one, upon the subject of a Bill or other measure before the House at the time. That was a very distinct rule with respect to past debates in the same Session. Any reference to debates in "another place" was still less permitted in that House.

LORD ROBERT CECIL said, he had only again to bow to the decision of the right hon. Gentleman, for he had no means of resisting it; but in doing so he might be permitted to say that it was very favourable to Ministers of the Crown. He would not quote any distinct words, but he might be allowed to remark that it was generally supposed that the Vice President of the Council had grounded his defence against the charge to which he had referred upon this consideration—that the nature of the Revised Code was such that it was absolutely impossible the Code could come into effect until Parliament had an opportunity of pronouncing its opinion upon the subject. He wished to test that defence by facts. He did not know whether the right hon. Gentleman

(Mr. Speaker) would allow him to say that he did so last week. Perhaps that was irregular. It might also be irregular to say that it was thought he then introduced a small subject to the House. He ventured to assert that the ground on which he was now about to arraign the Vice President of the Council was not a small, but a large one, involving the most important item in the whole of the educational grant. That ground was, that when the right hon. Gentleman last year promulgated without the sanction of Parliament the Revised Code, his intention at the time was, and he took measures accordingly, to bring it into immediate operation, as far as respected that enormous proportion of the grant which concerned the pupil-teachers. In endeavouring to establish that complaint, he would first point out to the House what were the pledges and statements of the Vice President of the Council. He believed he was in order in referring to debates which took place last year. Last Session the right hon. Gentleman made use of the following words:—

"I will merely state the outline of the Minute, prefacing it with the assurance that the Committee need not be afraid that we contemplate any *coup d'état*, because the nature of the grant is such that we cannot make any innovations till the end of the next financial year."

That was a deliberate and public statement to Parliament. But the right hon. Gentleman did not confine himself to a general pledge; he referred specially to the pupil-teachers, and his words were these—

"We intend to preserve the interests of pupil-teachers, and to take care that all future pupil-teachers shall serve, as now, for a period of five years."

That was the adumbration of the Revised Code which the Vice President of the Council sketched for the benefit of Parliament in the middle of July. When Parliament was about to separate, and when its control was practically at an end, the Revised Code was issued, and it contained, among other provisions, one to the effect that future pupil-teachers should be apprenticed according to the following conditions:—That they should be liable to dismissal without notice for idleness, disobedience, or immoral conduct, and that their engagements should be terminable on either side by a written notice of six months. It was thus to be in the power of a pupil-teacher to terminate his

engagement by giving a written notice of six months, and yet the Vice President of the Council had said only a fortnight before, "We intend to take care that all future pupil-teachers shall serve, as now, for a period of five years." Was that not keeping "the word of promise to the ear"? If the Vice President meant to take care that pupil-teachers should serve for a period of five years, it seemed to him the strangest way of doing it to give them the power of going away at the end of six months. That power did not exist under the old Code. He would not at present discuss the question whether the change was a beneficial one or not. What he wished to point out was, that it was a change which neither the House nor the country could have anticipated from the words used by the right hon. Gentleman last year. But the right hon. Gentleman went further, for he told them in the same speech what he considered to be a pupil-teacher. He said—

"The main difference between a pupil-teacher and a monitor is, that while the latter is engaged by the job—that is to say, a week, a month, or a year—the pupil-teacher is apprenticed with an engagement for five years."

It would be seen, therefore, that when the right hon. Gentleman proposed that future pupil-teachers should practically be engaged for a period of six months only, he made a very serious change in the condition of that class. The change thus introduced by the right hon. Gentleman was a change in the mode of admitting pupil-teachers, and in that way, as well as in several others, the Revised Code seriously affected the enormous sum of £250,000 which was annually given to managers of schools for the support of pupil-teachers. The Vice President had told the House that the Revised Code would not—in fact, could not—come into operation until the financial year had passed away, and yet the very moment the Revised Code was issued the right hon. Gentleman took measures for bringing it into immediate effect as far as the larger portion of the educational grant was concerned. What he understood was that with the ordinary forms which precede the arrival of the inspector there was sent from the Council Office to all forms a written note to this effect—"Pupil-teachers.—Candidates for pupil-teachers must be subject to the Minute of the 29th of July, 1861, and the provisions of the Revised Code;" thus clearly intimating to

*Lord Robert Cecil*

managers that, with reference to the admission of pupil-teachers, the Revised Code was to come into effect immediately. It might be said that managers need not, unless they pleased, have offered any pupil-teachers for acceptance; but by one of the Minutes by which that Code was to be brought into operation it was provided that after the next receipt of money, dating from the 29th of July, 1861, no managers should receive any money except in conformity with the Revised Code. A manager whose financial year began in August would in August, 1861, receive his money according to the old Code; but in August, 1862, according to the Revised Code, one of the provisions of which was, that if he had not a sufficient number of pupil-teachers, he should forfeit a portion of his grant. The consequence was that managers were obliged to have pupil-teachers at once, subject to the provisions of the Revised Code, and to acquiesce in the vast change which had been introduced by the simple fiat of the right hon. Gentleman into the mode in which the Parliamentary grant was to be disbursed. Nor was that all. Although, in consequence of the agitation which took place, the Revised Code was suspended, the notification was not cancelled but was sent to many schools, and managers understood that they were still subject to it. In many cases the managers had refused to have any pupil-teachers rather than submit to the new regulation, and consequently exposed themselves to the loss of the grant altogether. He had also received a complaint, and he should like to obtain papers to see whether it was correct; that in the case of Trinity School, Newington, candidates for pupil-teachers were just before the suspension until March refused because they were not offered under the new Code. Thus, the statement of the right hon. Gentleman that when he introduced the Revised Code he had no intention that it should take effect immediately, but that its operation must be postponed until Parliament could pronounce an opinion upon it, seemed to him one of the most extraordinary misapprehensions of what was passing in his office that any right hon. Gentleman could have entertained. He felt he ought to apologize to the House for trespassing upon its attention at such length in respect to matters of detail, but he thought the House ought to be very jealous of the practice of passing important measures during the recess. There was a very curious gravitation of all important



administrative measures towards that period of the year. Treaties were made binding on the policy of the country for a long time, or containing the germs of future wars; yet they were all made in the recess, when Parliament could not express an opinion upon them. Up to that time they had only been accustomed to such proceedings by the Foreign Office, and he trusted that that House would interpose its veto to prevent their extension to other departments of the State. It would be a dangerous precedent if a department, which had been singularly trusted by Parliament upon the faith that every measure which it took should be strictly subject to the control of Parliament, should be permitted during the recess to introduce changes affecting the disposal of £250,000 of the public money. He wished to know whether the right hon. Gentleman would let him have returns connected with the matters discussed on the previous Friday?

MR. LOWE was understood to say that there would be no objection to the Production of these returns.

MR. SCLATER-BOOTH said, he wished to ask the Vice President of the Council whether the introduction of the new principle of individual examination would necessitate any increase in the number of salaries of the present staff of school inspectors? During the preceding year £65,000 odd, or upwards of two-thirds of the grant, went alone to the payment of the inspectors? At present there were about sixty inspectors—thirty-six full and twenty-four assistant inspectors, and the table of fees was based upon rather a high scale. The thirty-six inspectors received salaries, perhaps, including allowances and augmentations, varying from £700 to £900, exclusive of travelling expenses. The assistants received from £450 to £535, also exclusive of travelling expenses. He was not sure that the number of those gentlemen would not have to be increased; but without having a word to say against the efficiency of the present body, he thought that if the new Code came into operation, thereby considerably diminishing the duties to be performed, a salary of £900 per annum for examining children in their alphabet, and in writing and arithmetic, would look rather formidable.

SIR HENRY WILLOUGHBY said, he had received a copy of a letter addressed by Mr. A. Corrie, from the Council Office, to a clergyman at St. Saviour's National

School in Liverpool, and dated August 31, 1861. It appeared that the clergyman in question had written asking how he was to act, and, from the answer he had received, it would seem that some persons in the Committee of Council Office did intend that the Minutes should come into immediate operation. This was the letter—

"Sir,—I have the honour to acknowledge the receipt of your letter, and I am directed to inform you that on the 1st of November next the minute of the 29th of July, 1861, will take effect in your school, and all new appointments will be subject to the Revised Code."

He thought it fair to the right hon. Gentleman to read that letter before he replied to the speech of the noble Lord.

MR. MOWBRAY said, that he had received a letter from a clergyman at New Seaham, in the county of Durham, stating that in December last he was informed from the Council Office, that no more apprenticeships would be sanctioned under the old system. He wished to ask the right hon. Gentleman how he could reconcile that with his statement in the House, that in future pupil-teachers should serve for five years?

MR. LOWE: Sir, it is impossible to reconcile the letters with my statements; but had the right hon. Gentleman the Member for Durham (Mr. Mowbray) been kind enough to call my attention to the facts before I came to the House, I should no doubt have been prepared to give some explanation. At the Privy Council Office we correspond with some 6,000 or 7,000 schools, and it is impossible for me or any one person to be responsible for every letter; but if hon. Gentlemen would give me some notice, I should be able to answer their questions. I can only say that the letters, as stated, are not in accordance with our practice, because we have in innumerable cases since the notice was given on the 23rd September, consented to the apprenticeship of fresh pupil-teachers under the old Code. I will explain all the facts to the House, but I cannot accept the versions which gentlemen may give to hon. Members of letters which I have never seen. If the right hon. Gentleman will move for papers, or will come to the office and inspect them, I will endeavour to give him every satisfaction; but I cannot undertake to explain everything on the spur of the moment.

Now, as to the charges which the noble Lord has made against me. In the first place, he says, that in a speech last

Session I said that the House need not be under any apprehension of our attempting a *coup d'état*, because it was impossible that the changes should come into effect until the expiration of the financial year. That was the statement of a simple fact.

LORD ROBERT CECIL: The right hon. Gentleman said it was impossible that "any innovations" could be made.

MR. LOWE said, the noble Lord catches at the words "any innovations;" but it is impossible for a Member of this House, or a Minister of the Crown, to be so guarded in the words he makes use of as to defy criticism. I may have inadvertently used the expression quoted by the noble Lord, but the meaning of what I said was, that we had not the slightest intention of introducing a change without the consent of Parliament. It is impossible. What the Minutes amount to is this. They are the notices given by the Department of Education of the principle on which the Department will solicit from Parliament the granting of the Vote for Education. As you cannot touch the grants now held under one system and apply them under another, and as you cannot get the money to carry out the new system without the consent of Parliament, it is impossible—granting me to have all the evil intentions which are imputed to me—to make this revolution which is apprehended. Then the noble Lord says I told the House that pupil-teachers under the new Code should be engaged for five years, as they now are.

LORD ROBERT CECIL: And serve, as now, for a period of five years.

MR. LOWE: The noble Lord has read a paragraph from the new Code, in which it is said that the engagement shall be terminated by six months' notice from either party; and he says that is a breach of my undertaking. Hard words, Sir! But does the noble Lord know what is the present engagement of pupil-teachers? Their present engagement is to serve five years, and they are apprenticed by deed; but that deed is not stamped, and it has no validity whatever. That has always been the practice of the office, and it was thought better in introducing a new Code that we should give a really effective agreement, terminable by notice on either side, than perpetuate an agreement which is in the eye of the law a nullity. If the noble Lord examines the agreement which he quoted, he will find that the direction is to

serve for a period of five years, and the specimen agreement to be entered into by managers with pupil-teachers names the same period of service. When I spoke of five years, I was alluding to the recommendation of the Commissioners; but they have taken no precautions to ensure continuity of service. The great merit lies in continuity of service; for the pupil-teacher is of little value for the first year, but becomes of value in later years, and unless the precaution be insisted on—which the Commissioners overlook—the full benefit of the agreement is not derived. So what I said was perfectly true, and what I did was in accordance with what I said. We have taken the precaution, subject to this power of terminating the engagement with notice, if it should prove not satisfactory to either side, of keeping the pupil-teachers for a period of five years. Suppose upon a point of detail like this, that, speaking to the best of my opinion and information at the time, I had announced that the Government would not make such an arrangement—would the House, if a subsequent change of opinion took place, charge my original statement upon me as a matter of bad faith? We are accustomed to better treatment. Would the House deem justifiable a fastening on words and syllables an imputation not of change of opinion, but of a wish to deceive and overreach the Houses of Parliament?

Now I come to the more serious part of the noble Lord's charge. He asks a question, but he has relieved me from the necessity of answering it, for he has made answer to himself, and the facts are matter of notoriety. He charges me not only with a want of respect to this House of which I should be exceedingly grieved to be guilty, but with a breach of faith and honour—if I understood him rightly. The framing of the Code was a matter of difficulty, but still greater difficulty attended the arrangements for the transition from one system to another. To those who were charged with that duty it was a matter of anxious care; and if we erred, we did so not from want of consideration, but either from want of ability to grapple with the question or from its inherent difficulties. The principles of the change are mainly two—first, that there shall be no payment except to the manager; and secondly, that we shall pay money only on the individual examination of scholars. When we had settled the principles of the change, we

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had then to consider how to deal with the interests existing under the present system, which were vested and entitled to be respected. We came to the conclusion, and it certainly was an agreeable one, that pupil-teachers now apprenticed under the present system had rights which we were bound to respect. The faith of the Government has been pledged, and though the agreement was not exactly legal, we will never take any advantage of a flaw in the indenture; but, at whatever inconvenience, we are bound to see that they do not suffer by the change. The House will see that this is a matter of no slight difficulty; because our own principles being that we are to pay only to the manager, and then only upon examination, the necessity of preserving the vested interests of these pupil-teachers embarrasses and will continue to embarrass the working of the system till the last of them has fulfilled his apprenticeship and been got rid of. Then comes the question as to pupil-teachers apprenticed after the passing of the Minute and before the time when it was to come into operation. The pupil-teachers engaged before the issue of the Minute had no reason to suppose their interests would be interfered with by the Government; they had no notice of any change, and we felt bound to respect their interests. But those engaged after the passing of the Minute stand on a totally different footing, and have no claim of vested interests to set up against the Government or the public, for of their non-vesting they had previous notice. Therefore we decided that pupil-teachers engaged after the Minute was agreed to should not be engaged by the Government upon the existing terms, but by the managers under the terms which would come into force when the Minute itself subsequently became law. That we did, because we thought vested interests meant reasonable expectations; and when teachers had notice that we were about to change the system, they had no longer a reasonable expectation that the system would continue which entitled them to bring claims against the public. We did that—whether rightly or wrongly I do not shrink from the issue—entirely with a view to the public interest, and to prevent further vested interests from accruing. Up to the 23rd of September that rule was acted on, and the House will see that the last thing we thought of was to withdraw the matter from their cognizance.

Instead of dealing with £250,000 a year, the noble Lord might have said £300,000; but as regards these pupil-teachers, we are only dealing with a few who were elected between the time of the passing and the promulgation of the Minute; to replace others who had completed their apprenticeship. In placing these not on the footing of the old pupil-teachers, we felt we could not do any serious or permanent mischief; because if the House should adopt the Revised Code, as I trust they will do, the parties will then be placed in the position which they were led to expect; whereas if the House should reject the Revised Code, by a single Minute these pupil-teachers can be placed on the same footing as if they had been engaged by the Government under the old terms, and no prejudice will be done to them. The noble Lord truly says, a considerable ferment arose in the country. My noble Friend Earl Granville was at the time in Ireland in attendance on Her Majesty. I was on the Continent; but I returned on the 17th of September, and at once put myself in communication with Earl Granville. Though we felt that we had honestly and conscientiously exercised our best discretion, we did not think it advisable to allow persons to do what the noble Lord has done to-night—that is, to distract attention from the real merits of the controversy by discussions as to our discretion and wisdom; we showed a more conciliatory spirit, and instead of leaving it in the state we placed it originally, we suspended the Minute absolutely. We did that on the 23rd of September, and since then we have acted consistently—I heard for the first time to-night that there has been any deviation from that practice—as if this Minute had never existed at all. We may be wrong in the view we took originally, and as we have seen fit to retract, it does not, perhaps, lie in my mouth to say differently. I only ask the House to see how the view of affairs differs, as stated by me, from that which has been stated by the noble Lord. I can only regret that he has viewed our conduct so unfavourably. I assure the House that the matter is one of enormous difficulty. We do not pretend to be free from error; we are conscious of having made many. I bow with submission to any hon. Gentleman who finds fault with the intellectual part of the work, which is fairly open to any hostile criticism that may be brought against it. But I speak both for the noble Lord and myself when I ask the House to believe

that we are utterly incapable of doing anything to withdraw the question from the absolute jurisdiction or control of Parliament; or of entertaining the least desire to be wanting in that respect which we owe to the House.

The hon. member for Hants (Mr. Selater-Booth) has spoken of the salaries of inspectors as excessive. Their salaries begin at £200, and are raised by successive stages of £50 till they reach £600, when they stop, and this *maximum* rate is not attained till they have been twenty-four years in the service. In addition to the salary of £200 there are allowances for the expenses of travelling and living at hotels—for they are always on the move—amounting to £250 a year; in addition to which, they are reimbursed for any expenses incurred in connection with the discharge of their official duties. He advances money, and if the amount appears moderate, he is reimbursed. That does not appear to me extravagant pay for gentlemen of the very high class we employ as inspectors. Our rule is, and it has been constantly acted upon, to take the young gentlemen of the greatest distinction we can find from either University; and any one who will compare the names of the inspectors with the University calendars will see that we have enlisted in the service of the public a most distinguished set of men. This Minute will not come into effect until after the 31st of March, 1863, except in the case of certain new schools. No schools now assisted can be examined under the new Minute till after the date I have mentioned. Therefore I have not the least reason to apprehend that during the next financial year there will be any increase of the public expense in this matter. Whatever the ultimate result, I certainly do not contemplate raising the salaries of the inspectors. But it is obvious that when the system does come into effect there will be some increase of expense under this head. I would rather not make any positive declaration on the subject at present, for I might hereafter be accused of breach of faith if I now indicated a plan which subsequent experience might not prove advisable. We shall have the opportunity of trying experiments on a small scale this year; and when the time comes to ask for a vote of money under the new Code, which cannot be in force till next year, then I, or whoever may be in my place, will be prepared to lay fully and fairly before the House the amount of the

*Mr. Lowe*

additional assistance that may be required.

#### CHARITABLE DONATIONS AND BEQUESTS IN IRELAND.

##### OBSERVATIONS.

Mr. HASSARD said, he wished to call the attention of the Chief Secretary for Ireland to the state of the law relative to the Commissioners of Charitable Donations and Bequests in Ireland, and to ask him if he is to introduce any measure during the present Session to amend any defects therein? Considerable litigation had recently taken place on the subject, and the Commissioners declared that after considering carefully the law, they had come to the conclusion that they could not receive either land or money for trust purposes.

SIR ROBERT PEEL said, the question was one of considerable importance, and he quite admitted that the existing state of things in connection with the Board of Charitable Donations and Trusts in Ireland called loudly for remedy. On the part of the Irish Government, however, he might say that so anxious were they to consider the question, that on the 12th of September he wrote to the Master of the Rolls on the subject, and pointed out the difficulty of getting the business done. He found that before the vacation the Commissioners had passed a resolution in July, showing the inconveniences of the present system, which required not less than five of the Commissioners to be present—indeed, on the last two occasions they were unable to get a quorum, and therefore the business remained untransacted. It had occurred to him that it might be well to introduce the English Act, 16 & 17 *Vict.* into Ireland; but after communicating with the Commissioners on the subject, their opinion was that it would be inconvenient to introduce the English Act into Ireland with the Board as at present constituted. On the part of the Irish Government he wished to say there was no wish to introduce any sweeping changes in the law of charitable donations and bequests; but such was the difficulty to obtain a quorum, that it was thought it would be a great advantage if a short Act were introduced making the quorum to consist of three instead of five members.

#### POOR LAW ANNEXATION.—QUESTION.

SIR ROBERT CLIFTON said, that he



rose to ask the right hon. Gentleman the President of the Poor Law Board, Why he has annexed the non-parochial district of Nottingham, called "The Park," to the suburban Union of Basford, instead of making it contributory to the poor rates of the town of Nottingham, of which it was in reality a portion? Although the question was one altogether of a local character, it was of great importance to the people of Nottingham. There were 153 residents in "The Park," the great majority of whom were leading merchants and manufacturers of Nottingham; who were chiefly indebted for their affluence to the industry of the working population of that town. It was by no means just that at a time when the operatives were suffering severely from the depressed state of trade consequent upon the war in America, that the very persons who had derived so much advantage from their industry should either endeavour or be allowed to evade their responsibilities as regarded local taxation. He did not think that the right hon. Gentleman could have been aware of the real facts of the case, and he implored him at least to postpone his final decision until after the 1st of March, in order that full particulars might be laid before him. The feeling of the people of Nottingham on the subject was clearly evinced by the fact that in the course of two or three days above 2,300 signatures had been obtained to a petition against the proposed annexation. He thought the right hon. Gentleman would concur with him in thinking that the wishes of so many of the inhabitants of the town of Nottingham ought not to be made subservient to those of the 153 residents of the Park. He should like to be informed why the annexation had been considered advantageous to Basford, and not to Radford Union. Radford was nearer to the town and nearer to the Park than Basford was, and the rates in the latter Union were considerably less than in the former, while in some of the parishes in Nottingham they amounted to as much as 6s. or 8s. in the pound. In his opinion the proposed annexation was both unjust and unwise, and he trusted that the right hon. Gentleman would reconsider his decision.

MR. C. P. VILLIERS said, he regretted that since the hon. Baronet and his constituents had attached so much importance to this annexation, he had not taken an opportunity of addressing the Poor Law Board until the very day before the 1st March, the last on which anything could be done

to remedy the complaint. Even, however, were he to delay his decision, he doubted whether the hon. Baronet would be able to lay before him any other facts than those which had been already submitted for the consideration of the Poor Law Board. The facts were, briefly, that the district proposed to be annexed was a tract of country near Nottingham that had hitherto been extraparochial. Some years ago, by the operation of an Act which had passed that House all these places ceased to be extraparochial and became bound to maintain their own poor. This particular district had no poor, but it was still the duty of the Poor Law Board to see that all parishes liable to the maintenance of their poor should be attached to some Union. As the district had no poor, each one of the neighbouring unions was anxious that it should be united to it. He had received deputations from three unions, Radford, Basford, and Nottingham, and heard evidence adduced in support of their respective claims. He then had made inquiries as to the rule of the Poor Law Board which usually regulated the annexation of such places. He found that the public convenience of the district had been the guiding principle, due regard being had at the same time to the opinions and wishes of the owners and occupiers of the property to be annexed. He accordingly desired that some public meeting should be held to collect their opinions. Such a meeting had been held, and the owners and occupiers of the district had expressed a nearly unanimous wish that they should not be connected with Nottingham, and that they should be united to Basford. He found that the contribution of the district to the establishment charges of Nottingham and Basford unions would be precisely the same. He also found that Nottingham was "the county of the town of Nottingham," and that it had always carefully avoided having any parish attached to it. He was therefore looking about for a reason to determine his decision, when a representation was made to him that the hundred of Basford was a few years ago made liable for the destruction of the castle of a noble duke, and had had to pay £22,000 for an outrage in which its inhabitants took no part. This consideration, coupled with the expressed wishes of the owners and occupiers of the district, finally induced him to decide in favour of Basford Union. He did not think the capitalists who had villas in this district could fairly be charged with neglect

of the poor, because they were employers of labour, and were at this moment employing more hands than were absolutely required for the purposes of trade, owing to its present depressed condition. If the hon. Baronet could lay any further facts before the Poor Law Board they would receive attention; and if any good cause could be shown for so doing, he should be happy to revise his decision.

#### DISTRESS IN COVENTRY.

##### OBSERVATIONS.

MR. NEWDEGATE said, he wished to make a few remarks in reference to a former statement he had made respecting the condition of the town of Coventry, which he regretted to say was in deeper distress than appeared to be generally believed. The House would no doubt feel that it was his duty to be very careful of what he said when he was speaking of men whose credit might not stand so securely as it had done before the distress visited the manufacturers and the working people of Coventry. He trusted, therefore, that the House would allow him to correct himself in the matter. It would be recollected that he had, on that day fortnight, stated that out of eighty master manufacturers in Coventry fifty had been in the *Gazette*, not including those who had made compositions with their creditors. In consequence of that statement he had received the following communication:—

“Coventry, Feb. 15, 1862.

“In *The Times* of to-day you are reported to have said—‘But of the manufacturers fifty out of eighty had been in the *Gazette*, that fifty not including those who had made compositions with their creditors.’ This is not correct; and I am afraid you will be called to account for it. I think your informant is in error; if you had said, ‘Out of the eighty manufacturers thirty were either bankrupt, insolvent, or have made compositions with their creditors,’ you would have been about correct.”

As to the writer's observations that he (Mr. Newdegate) would be called to account for his statement, he would only remark that it did not matter to him whether he was called to account or not, inasmuch as it never was his habit to state anything in that House which he did not believe to be substantially correct. Immediately on the receipt of the letter he had just read he wrote to the gentleman from whom he had received the information which he had felt it his duty to communicate to the House. The

Mr. C. P. Villiers

following was the reply which he received:—

“Coventry, Feb. 20, 1862.

“Dear Sir—If you will refer to my statement, you will see that I stated in reply to your query as to the number of failures as follows:—‘This cannot be at present ascertained, but it is estimated that the number at the present time far exceeds fifty, not including insolvents.’ Now, when I mentioned fifty I did not confine myself to manufacturers alone, but I included other tradesmen who had failed in consequence of the depressed state of the trade in this city and neighbourhood. Again, I not only considered those men had failed who had become bankrupts, but who had arranged with their creditors to pay less than 20s. in the pound. At the same time I did not include in the fifty men who had taken the benefit of the late Insolvency Acts—that is, whose estates were under £300; for had I done so, I must have made the fifty into 150, &c. &c. From what you said in the House I infer that you took it for granted that the fifty who had failed had all been in the *Gazette*, and that the term ‘insolvents’ meant those who had made compositions with their creditors. If this is so, the apparent discrepancy between your speech and my statement is easily explained. From inquiries I have made since your letter reached me I find, so far as the time has enabled me to ascertain, that the number of tradesmen who have failed since the treaty is sixty-five, of which thirty-seven are immediately connected with the ribbon trade. Hoping this explanation will prove satisfactory,

“I remain, dear Sir, yours truly,

“C. N. Newdegate, Esq., M.P.”

He thanked the House for allowing him to correct a statement which had thus been called in question. But the letter which he had just read, although it did not very materially affect his statement, proved a fact of which he was glad to be assured, that the credit of the master manufacturers and tradesmen of Coventry had a power of endurance greater than what he had led the House to believe.

#### INDIAN ARMY EXPENSES.

##### QUESTION.

COLONEL DUNNE said, he wished to ask the Secretary of State for War, Whether the total force maintained on the Indian Establishment has been decided on for this year; whether he will lay upon the table of the House, before he brings in the Army Estimates, the data upon which the capitation rate of £10 per man, which is to be paid by the Indian Government, has been calculated; whether the amount so produced is to cover the expenses of the Depôts of Indian Regiments at home, of recruiting, and of the payment of Pensioners from Indian Regiments; and whether he will furnish an account in detail of the items and services to which this payment by the Indian Go-



vernment will be applicable? In putting those questions he said his object was to ascertain that no expenses which ought to be borne by the Indian Government were charged upon the Home Treasury. He also remarked that he understood that the *depôt* battalions were to be reduced this year.

SIR GEORGE LEWIS did not see any advantage in anticipating the discussion on the Army Estimates, which would take place on Monday next. In answer to the first question of the hon. and gallant Member, he begged to state that the total force in India, exclusive of local troops, was, during the year, to consist of 56 battalions of infantry, 11 regiments of cavalry, and 16 brigades of artillery. The reply to the second question was, that the capitation rate of £10 per man was calculated on the total force of the Imperial army in India, including cavalry, infantry, and artillery, officers and men, as shown by the monthly muster rolls. The sum thus calculated was paid by the Indian Government to cover all expenses of raising and training men in the United Kingdom, and was continued until they landed in India. It did not include clothing nor kits. There was another sum of £3 10s. per man, which was calculated on a similar principle, for non-effective charges. It was estimated that those payments would in 1862-3 amount to £730,000 for effectives and £255,500 for non-effectives—giving a total of £985,000. Formerly the effective charges used to be paid over by the Indian Government to the War Office without appearing in the Estimates. In the present year, 1862-3, these charges are included, for the first time, in the Estimates, the increase in which is, therefore, in a great degree merely apparent. The money received from the Indian Government would not be deducted from the Estimates, but would be paid into the Exchequer.

Main Question put, and *agreed to*.

The House then went into Committee of Supply, but immediately *resumed* to sit again on *Monday* next.

#### SUPPLY—NAVY ESTIMATES. REPORT.

SIR WILLIAM DUNBAR *brought up* the Report of the Committee of Supply.

Upon the Question that it be read a second time,

SIR STAFFORD NORTHCOTE (who

had a notice on the paper to call attention to the correspondence between the Admiralty and the Treasury appended to the Estimates) said, that he had wished to call attention to the subject before the House went into Committee on the Navy Estimates, but that owing to accident his notice was too late, and he had then put it on the paper as a matter which he should bring forward when next the House went into Committee on those Estimates. He unexpectedly found, however, that the whole of the Navy Estimates had been gone through in one night. It was an occurrence which had very rarely happened, and, in one respect, it rendered more important what he had to say. The fact of those Estimates passing through in one night really represented the disposition of the House and the country to vote whatever was necessary for the service of the navy, and, upon the whole, to place confidence in the Estimates which were submitted by the Government. But, notwithstanding that readiness and confidence, it was the duty of the House to exercise a fair vigilance over the Votes, and, as far as they could, to control the expenditure. The control might be exercised in two ways. They might reject a Vote in Committee of Supply, which did not often happen, or they might exercise a moral influence over the Government by criticising the Votes submitted to them, which he believed to be the more effectual and the more desirable method. But, in order properly to exercise that control, it was of importance that the details of expenditure should be presented in a shape which hon. Members could thoroughly understand; that they should know well what they were voting, and, after a reasonable time had elapsed, that they should be informed how the money had been expended, so that they might see whether it had been expended upon the objects for which it had been voted. It appeared from the correspondence appended to the Estimates, that the system which prevailed of transferring money from one Vote to another defeated that control on the part of the House, and prevented hon. Members knowing how the money voted for a particular service was applied. That was particularly the case with regard to Vote 11. The House was aware that there were two kinds of transfer, a transfer of a surplus from one Vote to another Vote on which there was a deficiency, and a transfer within a particular Vote from one

detail to another detail. It was to the latter class of transfers that he now wished to call attention. The provisions of the Appropriation Act were substantially, that the money voted for each department should be appropriated to each "separate service;" and that, if the exigencies of the public service made it requisite to alter the proportions assigned to each "separate service," the Admiralty, with the consent of the Treasury, might make the alteration. There was some difference of opinion as to what was meant by the term "separate service," and as to whether it was necessary for the Admiralty to consult the Treasury when a transfer was made from one detail in Vote 11 or Vote 12 to another detail in the same Vote, or whether it was only necessary when they proceeded to transfer money from Vote 11 to Vote 12. Whatever might be the strict construction of the Appropriation Act, the practice was for the Admiralty to consult the Treasury before making any transfer even within the same Vote; and he believed that practice was entirely within the spirit of the Act, and conformable to the wishes of the House. There were eight cases of transfer mentioned in the correspondence appended to the Estimates. Three of them related to the year 1860-1, and the others to the year 1861-2. With regard to the first three, he would only remark that it was a pity such transfers should take place by the authority of the Treasury at the suggestion of the Admiralty at a time when Parliament was sitting. They all took place in the month of March, 1861, when, as Parliament was sitting, the most natural course would seem to have been to present supplementary Estimates in case an excess had arisen. At the same time, as those matters were brought before the Treasury on the last day of the financial year, there might not have been time to present supplementary Estimates. With regard, however, to the control which the House might suppose the Treasury exercised in the matter of these transfers, it appeared to be extremely feeble, because he found the Treasury using the terms "We feel we have no alternative" when giving their consent to the course proposed by the Admiralty. It would hardly be thought that this sort of control was worth much. He would not, however, quarrel with the Government on those first three instances, but he must direct attention to the fourth

case. On the 11th of June the Admiralty wrote to the Treasury as follows:—

"Sir,—I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Lords Commissioners of the Treasury, that my Lords have directed the sum of £5,000, for providing an iron caisson for Sheerness Dockyard, to be charged to the aggregate Vote 11, postponing other services, so as not to create an excess."

And to that the Treasury signified their assent. This was a matter hardly within the spirit of the Appropriation Act. The Act said that the transfer should take place if it were absolutely necessary. Was this transfer absolutely necessary? The letter was written on the 11th of June and on the 6th of June, five days before, the Vote was passed. On the 6th of June the Admiralty asked Parliament to vote sums for new works, detailed in No. 11. They did not ask for any money for an iron caisson at Sheerness, but five days afterwards they went to the Treasury and said they were going to spend £5,000 in that manner, postponing other services. Two questions were raised. Why did not the Admiralty put the iron caisson into the Vote? And why did they ask for Votes for other services which five days afterwards they knew they could postpone? It led to the suspicion that Vote 11 was a Vote which could be easily cut down without detriment to the public service; and when they knew what happened with Vote 11, the suspicion was strengthened. Every year there was an excess upon that Vote, and sometimes a considerable one. In 1858-9 there was a surplus of £116,000, in the next year a surplus of £105,000, and in the year afterwards a surplus of £52,000. The House voted on an average under that head £90,000 a year more than was expended. It might be said that the Admiralty did not know how much they were going to spend, and wished to cover what they did by sufficient authority; but, although they were not bound to spend what was voted, it led to practical inconvenience. There was always a surplus which could be applied under the law to other Votes, and therefore when, for instance, too little was taken for the Admiralty Office, the surplus of the Votes for new works supplied money for the Admiralty Office which was not voted. There was no real saving on the Vote for new works, because if £100,000 were voted for the purpose and only £50,000 expended, half the work had to be done afterwards, and the £50,000 surplus in one year had to be

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voted over again in the next. Upon the next case he would only point out that the Treasury had challenged what the Admiralty had done, and that the Admiralty, in excuse, stated that an oversight had been committed. That was curious and rather unsatisfactory, but the correspondence stated that measures had been taken to prevent such errors in future, so he would say no more about it. In the next case that appeared in the correspondence the Treasury had given a very grudging assent to the Admiralty proposal. Now he did not think it desirable or to the advantage of the public service, to continue a system which had produced such correspondence as had taken place between the Treasury and the Admiralty. Apparently the two departments were brought into uncomfortable relations, and at the same time very little was gained by the control which the Treasury was expected to exercise. In the next case, that of the *Achilles*, where the additional expenditure was required in the month of September, it appeared to him that the spirit of the Act had been entirely carried out. But then came the last instance—that of the new Marine Infirmary at Woolwich. He believed the first Vote for that infirmary was taken as far back as 1856, and it was then estimated by the Admiralty that the sum of £42,000 would be required for the whole work, and accordingly that sum was inserted in the Estimates. For a time the Admiralty went on taking various sums, until at last it was discovered that the amount first proposed was not sufficient, and in the year before last the estimate given was £65,300, and there was a note appended stating that the original Estimate had been made before the site was purchased. Well, in the year 1861-2 the case of the Estimate stood thus:—There had been voted £52,250, there had been expended up to the 31st of December previous £58,206, and £5,000 was asked for the coming year, leaving to complete the work—*nil*. So that though Parliament had voted only £52,000, more than £58,000 had been expended, and £5,000 more was asked for; which, however, the House was led to suppose would be sufficient to complete the work. The £5,000, of course, was voted, thus making the total amount voted £57,250. Now, it appeared from the correspondence which had taken place between the Admiralty and the Treasury that, though £57,250 was the amount voted, the total amount expended was

£73,294, making a difference of £16,000 between the sum voted and the amount which had been spent. That was an unsatisfactory state of things, and one which the House would naturally be anxious to look into. The House would also be naturally anxious to criticise the fact, that whereas the infirmary was originally expected to cost only £42,000, and the revised Estimate reached the sum of £65,000, the building had really cost so much more. But the effect of this system of transfers was, that this criticism could not take place, because the Committee had not the opportunity of knowing exactly what had been done with the money until nearly two years afterwards. Nothing within the Estimate of 1861-2 would show the real state of things at the time that the last Vote was taken. Now, the effect of framing the Votes in that manner was to conceal from the House the real state of the case, even though it was within the knowledge of the Admiralty; for when they came to explain the matter, they admitted (in the letter page 100) that some of the items of excess had been ascertained before the Estimate for the current year was framed. They admitted in the last page that the whole expenditure up to the 31st of March, 1861, had been £61,798, and yet they proposed to go on with a Vote of only £57,250, because, they said, "there was no objection to charging the difference between the amount expended up to that date, and the sums voted to the same date, to the aggregate vote, on which there was a surplus." They thought they had a perfect right to make up the difference between what had been spent and what had been voted out of the aggregate voted for other services in the year before, which, in fact, would entirely conceal the real circumstances from the House. He brought forward this matter in no hostile spirit, and he was quite sure that if they went more fully into the matter, they would see that the effect of this system was really to conceal from the House the total sum which it voted for small items, and so to deprive the House of that control which it ought to exercise over those Votes. As long as that course was continued, the same thing must happen. What he wished to suggest for the consideration of the House and the Government was, whether it would not be possible to put an end to the system of transfer altogether. He should like to see something like a Treasury chest fund,

or what had been proposed for the civil contingency fund, brought into play in this matter. He meant, that the House should vote exactly what the Government asked them to vote, and that what had been demanded should be the amount which the Government were entitled to expend; but that there should be a fund of a certain fixed amount upon which no final payments should be charged; and if it were necessary to expend more than the sum asked in any particular Vote, that the Admiralty, or other department, with the consent of the Treasury, should take the difference out of that fund by way of advance, to be repaid by a Vote of the House. But it should be a general contingency fund; and if, for instance, it were necessary, as in the case of the *Achilles*, that some money which had not been voted should be expended, the Admiralty should get an advance of £5,000 or £10,000, or as much as they wanted, out of that fund; and at the close of the year there should be a Vote taken in Parliament to repay to the contingency fund the sum that had been taken from it for the object required. The effect of that arrangement would be, that the House would see exactly what had been taken from the fund. If the Government wished to present to the House the real state of expenditure, he believed they could only do it at the moment they were asking for a vote of money. If it were done afterwards, it was hardly to be supposed that the majority of hon. Members would care to inquire into the matter.

MR. WHITBREAD said, that he did not presume to offer any opinion on the suggestion made by the hon. Baronet as to the establishment of a General Contingency fund, because the question involved very grave considerations, and could not be satisfactorily disposed of by any one on the spur of the moment. The correspondence as to the bar at Portsmouth should be read in connection with the Estimates and correspondence of the previous year. The expenditure was unavoidable; without it the bar would have been left in an incomplete state, and the money previously spent thrown away. With respect to the course pursued by the Admiralty he observed that it was not a new one; that the Admiralty had the power to apply sums from one item under Vote No. 11 to another item under that Vote, so long as the total Estimate in the first column was not exceeded; but they were bound to ob-

tain the sanction of the Treasury whenever any application of money would cause an excess upon that total Estimate, or whenever any new works, not already agreed to by Parliament, were undertaken. When the Estimate of £65,000 for the infirmary at Woolwich was presented, it was supposed that that sum would cover the whole expense; but, as was well known, the construction of barracks and hospitals had undergone careful consideration, and had been reported on by several Committees. The consequence was that vast improvements had taken place in their interior fittings, lighting, and ventilation; and he thought that the Admiralty would not have been held free from blame if they had not endeavoured from time to time to render the infirmary as perfect as possible. That was the real cause of the unforeseen excess on that item; and the check which was given by the publication of the correspondence on the point at the end of the Estimates, appeared to be all that the House of Commons could, under the circumstances, desire. Though the construction of the caisson at Sheerness dockyard came under the head of a new work not sanctioned by Parliament, yet he must tell the House that so long back as in the year 1856-7, a sum was taken in the Votes for the construction of that caisson, but was not expended; and when the last year's Estimates were prepared, the real necessity for the caisson was not then foreseen. However, in June, very urgent representations were made from Sheerness yard to the effect that the existing caisson was in a very bad state, and that the new caisson would make the dock available for receiving ships of quite another class. It appeared to be one of those cases of emergency which had evidently been contemplated by the Act of Parliament, and the expenditure was really in accordance with the spirit of a Vote of that House on a former occasion. The suggestion made by the hon. Baronet for an alteration of the existing practice, must be left for future consideration.

SIR FRANCIS BARING said, that the subject was one of great importance, and it was extremely desirable that hon. Members should turn their attention to the correspondence and returns to which allusion had been made, which constituted their only check upon the administration. On a cursory examination of that correspondence he thought that there were many points

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requiring explanation from the departments; but he was afraid it was hardly possible to strengthen the existing check in respect to these outlays. There must arise cases of sudden emergency obliging the departments to expend for the public service money for items which did not appear under the different Votes, and all that should be required under these circumstances was, that if that House were sitting at the time, and if there was opportunity for it, a Vote should be taken; but if that House was not sitting, then nothing further could be demanded than that the circumstances should be explained to the House as soon as possible. It should be recollected that these outlays were not incurred on the mere decision of the Admiralty, but that the Treasury was interposed as a check upon the demands of the Admiralty. According to the existing practice, these matters were brought to the knowledge of the House by the publication of the correspondence, and hon. Members had the opportunity of canvassing any breach of the strict rules relating to the appropriation of public money. Neither the Education Vote nor any other civil service Vote had half as much check upon it as the Votes of the great services, the army and navy. With respect to the alteration suggested, that was too large a subject to enter upon at present, but he thought it would be more difficult to carry out than the hon. Baronet supposed. Altogether, although he was afraid that the arrangement suggested by the hon. Baronet might not prove practicable, it was of great importance that a proper check on the appropriation of monies voted by Parliament should be secured.

*Resolutions agreed to.*

House adjourned at a quarter before  
Nine o'clock till *Monday* next.

HOUSE OF LORDS,

*Monday, March 3, 1862.*

MINUTES.]—PUBLIC BILLS.—2<sup>a</sup> Declaration of Title; Security of Purchasers; Transfer of Land; Title to Landed Estates; Registry of Landed Estates; Real Property (Title of Purchasers).

DECLARATION OF TITLE BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD CRANWORTH in moving that

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the Declaration of Title Bill be now read a second time said, he trusted that this question, which was not new to the House, would not be dealt with as one exclusively of a technical nature, but would be regarded as one in which the owners and purchasers of land were deeply and directly interested. He sought to deal with a practical grievance, and to diminish the difficulty, expense, and complication which at present existed in the transfer of land. The best remedy, therefore, would be that which provided the most expeditious, cheapest, and simplest mode of transfer. This subject had been brought under their Lordships' attention in 1846, and a Select Committee was appointed which came to the conclusion that there were unnecessary burdens in transferring land from hand to hand, and they recommended as a remedy the institution of a register for all deeds affecting land. He need not tell their Lordships that the mere fact of being in possession of land afforded almost no evidence of title. Even where the deeds were of the briefest and most explicit character, there was sometimes great difficulty in proving the title, because it was necessary to show that the land had not been dealt with by the owner or some of his predecessors in a way that would prejudice the title. The advantage of a register of deeds would be, that it would disclose what settlements had been made of the property, and generally how it had been dealt with. In 1853 he introduced a Bill into their Lordships' House with a view of carrying out the recommendations of the Committee which had considered this question, and which proposed the establishment in England, as in Scotland and Ireland, of a general register of deeds. The proposition was very strongly opposed in that House by his noble and learned Friend (Lord St. Leonards), and he (Lord Cranworth) confessed, that, although theoretically he believed that such a measure afforded the best means of securing titles, he felt the force of the remark of his noble and learned Friend, that the system would throw great expense and cost upon those dealing with small properties. The Bill went down to the House of Commons, which did not concur in the proposal, but recommended an inquiry as to whether there might not be established a register of titles, which would show on the face of it who was the owner of every piece of land in the kingdom. Her Majesty consequently, January,

1854, issued a Commission, consisting partly of lawyers, and partly of non-lawyers, to inquire into the subject. The Committee reported in May, 1857, recommending an elaborate system of first ascertaining a good title, and then putting it on the register, by means of which it should thenceforth be transferred like stock or scrip. Early in 1858, in conformity with a part of what was so recommended, he introduced a Bill to enable the title of purchasers to be established against all the world in analogy to the procedure of the Encumbered Estates Court in Ireland. He must confess that when his attention was first directed to the subject he was startled at the possible establishment of a tribunal for the declaration of a good title in England; but the difficulty was one only of a practical character, and the Irish Encumbered Estates Court had then been in existence eight or nine years, and had disposed of property to the amount of millions. Indeed, so great were its advantages, and so satisfactory its operation, that estates were actually encumbered for the purpose of enabling them to be sold under the Court, the sellers finding, it was said, that they could get at least two years' more purchase-money in consequence of their being sold under the Court more than if they were sold in the ordinary way, notwithstanding that there might be a perfectly good existing title. Well, then, he thought what was so good for Ireland could not be bad for England; and accordingly in the measure he introduced in 1858 he had extended the principle to England. Very soon afterwards the noble Earl opposite (the Earl of Derby) came into power; but his noble and learned Friend opposite (Lord Chelmsford) gave every facility to the Bill, which after having been referred to a Select Committee passed their Lordships' House, but went down to the House of Commons too late to become law that Session. It was, however, during that Session that the Landed Estates Court (Ireland) Bill was passed, superseding, or rather making permanent, the Encumbered Estates Court; and a new power was introduced which enabled that Court to make a declaration of good title even when the estate was not about to be sold, such declaration being made after due investigation at the request of the party interested. To that clause he objected at the time; and although he admitted that the Bill had worked well, he still thought that clause objectionable

*Lord Cranworth*

in principle, and a blot on the measure. In the next Session, his hon. and learned Friend Sir Hugh Cairns, then Solicitor General, introduced two Bills on the subject of the transfer of land, founded upon the report of the Commissioners of 1857. This Bill divided the subject into two heads—and no doubt in principle the subject ought to be so divided. The question considered in the first place was how to obtain safely a declaration that a title is absolutely good against all the world; and in the second, how to continue the effect of that declaration, making it operative for all time, and thus preventing any further necessity for the investigation of title. In order to effect the first object, my hon. and learned Friend proposed to establish a Landed Estates Court for England, as in Ireland, and to give facilities for making the title good by registration, due care being taken that such notice should be given that there could be little probability of the existence of any person who conceived himself in any way entitled to the estate not having due warning and ample opportunity to come in and oppose the declaration of the title. That Bill was exceedingly well framed for the purpose, and although it adopted the principle of the Act of 1858 that a person not selling might obtain a declaration of title, it contained a provision that that declaration should be of no avail except when he sold: so that, so far as he was concerned, it would be perfectly waste paper; but if he were selling, it would be valuable in favour of the purchaser. He (Lord Cranworth) was of opinion that that was a great improvement upon the Bill which he had himself introduced in 1858. That Bill dropped when the change of Government took place in 1859, and the subject was now revived by his noble and learned Friend on the Woolsack. His noble and learned Friend now proposed to establish a class of functionaries called Examiners of Title, who, if they found the title submitted to their investigation to be good, were to place it on the register. He also proposed that instead of going before the Examiners, if the parties thought proper, they might go to the Court of Chancery, and have the title declared by that Court. The Bill also contained provisions for giving due publicity, so as to enable all parties who might be prejudiced by such declaration of title to come in and dispute it. The first Bill which he (Lord Cran-



worth) had laid upon their Lordships' table was precisely similar in its object to that introduced in 1859 and to that of the present Lord Chancellor; but the difference in the two Bills was, that he proposed that for the purpose of obtaining the declaration of a good title reference should be at once made to the Court of Chancery, and that the declaration should be made exactly in the same manner as if the party had obtained a decree for the performance of a specific contract and there was a difficulty in making out the title. Objection might be taken to the quantity of business that this would bring into the Court of Chancery, and illustrations would probably be given of the enormous amount which was thrown upon the Irish Encumbered Estates Court; but he wished to point out to their Lordships that the condition of landed estates in the two countries was widely different. The chief reason for establishing the Encumbered Estates Court in Ireland was the deeply encumbered condition of a large portion of the landed property in that country; in England, however, it was a rare thing for property to be so encumbered as to make it necessary that it should be sold before the knot could be cut; and consequently, in all probability, such declarations could be obtained by means of the existing machinery at a much cheaper rate and in a much more satisfactory manner. The questions which would arise as to title were just those with which the Court of Chancery was now continually dealing, and there could therefore be no necessity for establishing new machinery. The Court of Chancery, he believed, had never yet passed a bad title; and he appealed to the noble and learned Lord opposite whether, practically speaking, the report of the conveyancing barristers, who were now investigators of titles under the Court, was not invariably accepted as satisfactory and acted upon. The next and most important point was how a good title, once declared, could be made perpetual; for even in the case of the Irish Encumbered Estates Courts, after a declaration had been made, the same questions would arise as existed now, and in fifty years' time there would be the same difficulty in dealing with such cases. The great object in view was how to prevent ambiguity of title arising after it had once been declared. In legislation of this sort Parliament was to some degree legislating for posterity, and the great object was,

to prevent the questions which had once been settled arising again after lapse of time. In facilitating the transfer of land they must not create impediments to the rights of dealing with land. To guard against fraudulent dealings with land on the register, it was proposed by the Bill of the Lord Chancellor to establish a system of cautions, inhibitions, and injunctions. This did not appear to make the process more simple. In cases of bank shares, stock, and other property, it was necessary to have a name on the registry, to whom payments of dividends might be made. But how could such trustees be placed on a registry for every small landed property? There would be the greatest difficulty in obtaining anybody to be trustee for it. The proposal was that every owner of an acre of land must have a name on the registry. In cases of the sale of parts of a property, instead of the whole, there would be an increase of difficulties. Endeavouring to meet this, his noble and learned Friend proposed to have a record of titles. This was valuable, if it could be done; but the Bill of his noble and learned Friend on the Woolsack was open to the same objections as those which he had already pointed out. By the latter Bill, if a person wished to register, he would have to get his deed printed. Now, he quite agreed that a greater improvement than that effected by printing the proceedings in the Court of Chancery could not be well conceived; nothing could more tend to simplify and shorten the proceedings than that, and so far as that principal could be extended he would always cordially support it; but to force a man to print his deed seemed to him to be compelling him to incur an expense for no possible purpose. To the plan which was proposed in his own Bill he confessed that he had never heard any practical objection. Suppose a person was entitled to an estate in fee simple. He would get a declaration of title. Twenty years afterwards he might die, and perhaps twenty years after that his son, who succeeded him, might wish to sell the property. He would show first the official declaration of title. Then the purchaser would say, "But how do we know that there have been no mortgages, or settlements, or other dealings with the property?" To meet this objection, he provided that no purchaser should be bound by any mortgage, settlement, or trust deed, unless a

memorandum of it appeared on the back of the declaration of title. This could be readily done; forms were annexed to the Bill, and thus from time to time the title would always appear. There was another provision of his Bill which he regarded as valuable. In the second part of his Bill he proposed that the measure should operate from the first of January, 1863. This would operate in favour of every owner of land; whether he sent for a declaration of title or not, he would remain as he was, but there would also be an endorsement on the back of his deed showing the dealing with his property for all time to come. These were his views on this subject. All the Bills relating to it, he understood, were to be referred to a Select Committee; and should their Lordships think that the views he had taken were not the best, they should have his assistance in endeavouring to put into the most practical and most useful form whatever was proposed. The noble and learned Lord then moved "that the Bill be now read the Second Time."

LORD CHELMSFORD said, that although it was understood that all these Bills were to go to a Select Committee, he thought it desirable that this stage of the Bill should not pass without some expression of opinion from noble Lords on this most important subject. It was a subject of very great interest as well as of very great difficulty, and, until this debate, they had only heard the very clear and lucid statement of the noble and learned Lord on the Woolsack in presenting his Bill to their Lordships. He had not the slightest doubt that the Select Committee would consider the question fully and dispassionately; but as the Select Committee would probably return a Bill resulting from a careful consideration of all the Bills which had been submitted to their Lordships, and consequently as to which there would be a perfect concurrence of opinion, there would be no discussion on it in the House; so that, unless they took advantage of this stage of the Bill, the public would have no information whatever as to the views of noble Lords on these important measures. They had now six Bills presented to their Lordships, all of which would go to the Select Committee. One which was presented by the Lord Chancellor had astonished him, but it appeared that it was the Bill of a noble and learned Friend who was absent, and was necessarily presented to the House on his behalf

*Lord Cranworth*

with the name of the Lord Chancellor upon it, who was not therefore answerable for what it contained. There were two Bills of the noble and learned Lord opposite (Lord Cranworth), and he ventured to smile when he heard that noble and learned Lord, in introducing them, so highly vaunt his own goods. No doubt it was reasonable that noble Lords should look with parental affection on the measures which they introduced; but his (Lord Chelmsford's) own Bills, although they bore his trade mark, were not of his own manufacture, but were the same as those introduced by his hon. and learned Friend Sir Hugh Cairns, under the auspices of the Government presided over by the noble Earl behind him (the Earl of Derby). He (Lord Chelmsford) was fully prepared to maintain most of their provisions, because they were founded upon the able Report of the Commission which was issued in 1854, and because many of them coincided entirely with those in the Bill of the noble and learned Lord on the Woolsack. The subject divided itself into two distinct heads—the declaration of title and the registration of title; the declaration of title for the purpose of establishing the validity of titles to land, the registration of titles for the purpose of facilitating the transfer of land. Now, with regard to the declaration of title, it was a question which appeared to him not to be, within itself, one of very great doubt or difficulty; but as to the machinery that was to be provided to secure a declaration which would give an indefeasible title there was greater difficulty. The more important part of the question, and the more difficult one, was that with regard to the registration of title. On that subject the Bills which he had presented were founded almost entirely on the recommendation of the Commissioners under the Commission of 1854. His noble and learned Friend (Lord Cranworth) had spoken disparagingly of these recommendations; but he apprehended that if they were to have, not a registration of assurances, but a registration of titles, no better or simpler mode could be adopted than that which was recommended by the Commissioners. They recommended that there should be merely a registration of the fee simple; and that there should be a register merely from time to time of any transfer of that simple title. That title would then appear on the register unclouded by any encumbrances or trusts. The interests of persons who



might have dealings with the property being guarded by *caveats* of two descriptions. There was a premonitory *caveat* which any person interested in the land could enter, and which would entitle him to notice of any application to register the land. There was also another *caveat*, which, when the land was registered, any person could enter, and thus prevent any transfer of the land without notice. Those were protections which the Commissioners had recommended, and which he had introduced into his Bill. Provision was also made for encumbrancers putting themselves upon the register by entering a certificate of the encumbrance. The distinctions between his Bill and that of the noble and learned Lord on the Woolsack were of various kinds. In the first place, the Bill of the noble and learned Lord appeared to him to provide rather for a registry of assurances than a registry of titles. Among other provisions in that Bill was one, that an owner of land entered upon the register, who might be desirous of selling or mortgaging his land, should furnish to the registrar a statement of the amount of the purchase-money or of the mortgage, and a deed should be prepared of which an original should be handed to the person disposing of the interest, and the duplicate should be entered upon the register. In cases where property registered passed by will or deed, it was provided that a printed copy of the will or deed should be handed to the registrar. The noble and learned Lord had referred to the advantage that had accrued in Chancery from the introduction of printed proceedings, and inferred that a similar practice in respect of the transfers of land would be equally beneficial. But there was this difference, that in Chancery several copies of the Bill or Answer were required, while a single copy of the will or deed under which the land passed would be necessary, and the cost of printing a single copy would exceed that of engrossment. What he (Lord Chelmsford) proposed in his Bill was, that there should be a slight entry upon the register of one or two particulars of the instrument, whilst his noble and learned Friend proposed a registration of the assurance itself. There were two important points which were dealt with in all the Bills—the declaration of titles and the registration of titles. With respect to declaration of titles, the only difference between them was as to the machinery to be employed. The Bill

which he (Lord Chelmsford) had introduced proposed to establish a new Court—a Landed Estates Court, composed of eminent conveyancers—persons well fitted for the discharge of such important functions. His noble and learned Friend opposite objected to the creation of a new Court, and thought that it would be better to leave matters to be decided by the Court of Chancery. He did not think that the Judges of that Court, eminent as they were, were the persons best qualified to undertake those new duties. It was not in the usual way of their business to take an abstract of title, go through it in chambers, and say whether or not there was a good title. Relying upon the experience acquired in Ireland of the working of the Landed Estates Court, he submitted that his own proposition was, under all circumstances, the best. He did not propose to begin with an expensive staff. At first a single Judge might be sufficient, and the judicial staff might be extended as necessity arose. It was proposed by his noble and learned Friend's Bill that the registrar should examine the title, and that if he felt any difficulty, he should refer the matter to a Judge of the Court of Chancery. Who, however, was to raise the question? The registrar might not be a very learned man, but he might not choose to refer his doubts to the Judge, but might take upon himself to decide the question finally as to the existence or non-existence of a defeasible or indefeasible title. He should have thought that the better course would have been to have required the parties to go in the first instance to the Court of Chancery to get a declaration of title, and then to have empowered them to go to the registrar and have it put upon the register. The Judges of the Court of Chancery were not, in his opinion, well qualified to deal with such things as abstracts of title; but if the whole question was left to the registrar he could see no difference between such an officer and a Landed Estates Court, except that he would have neither the importance nor experience of such a Court. He could, indeed, see no intermediate cause between the establishment of a Landed Estates Court and going to the Court of Chancery, to which latter course many and serious objections had been raised. Another part of his noble and learned Friend's Bill required very serious consideration. It was proposed that there should be two classes of titles, one with a guarantee and the

other without. If upon a guaranteed title a person should be improperly registered as the first proprietor, any one having a better claim is to obtain compensation, not from the purchase-money or from the land itself, but from the Consolidated Fund. The public is thus to become an insurer of titles. Provision is to be made to indemnify the public against loss which may thus occur by enacting that where a registry has taken place in consequence of the fraud or negligence of any person, that person should immediately become a debtor to the Crown. Now how was the negligence to be traced and proved? And who was the person who was to be answerable? Was it to be the registrar or the Judge of the Court of Chancery? He presumed that the purchase-money would have to be retained by the Court of Chancery for a certain time, in order that any person who had been defrauded might resort to it. He hoped that the Select Committee to which the various Bills were to be referred would succeed in constructing a satisfactory measure.

THE LORD CHANCELLOR said, he could not congratulate their Lordships on the debate to which they had listened with such exemplary patience. He thought an unfair advantage had been taken of their Lordships; for he believed they all understood that the several Bills were to be sent to a Select Committee without controversy or discussion. He feared it might weaken the confidence of the public in that Committee to find the chief Members of it at the very outset entering the arena of debate, and, not content with lauding their own measures, endeavouring to undermine and destroy the works of others. He would not imitate their example. On the contrary, he acknowledged that the proposals of his noble and learned Friends were entitled to serious consideration. Nothing, however, was to be gained by their discussing them. On the contrary, it would only weaken public confidence if opinions were hastily expressed, and afterwards retracted on the further consideration to which all the Bills were entitled, and which he trusted they would receive. The Bill now before them was *simplex munditiis*, and if it only answered its purpose, it would be one of the simplest and plainest measures he had ever seen. He must make one little exception to that spirit of charity in which he regarded the efforts of others, and that was with

*Lord Chelmsford*

regard to the unfortunate Bill which bore his name, greatly to his surprise, and very much at variance with his intentions. As a matter of ordinary good nature, he consented to lay it on the table; but when he began to examine the offspring thus fathered upon him, he was astonished at several of its features. In framing his own measure his object had been to provide a system that would answer all the exigencies of dealings in land without altering the law. All the other schemes, except that now before them, proceeded upon a material change in the law. He referred to the proposal of having estates registered in the name of trustees, without any entry of a beneficial kind. In his opinion, the title should be made the mirror of the existing interest to which all could resort who desired to ascertain what the existing interest was, and to claim from the registrar a certificate which should declare and manifest that interest. By its means every man could go forth with a certificate of his ownership, and enter the market with the evidences that he was entitled to the commodity which he wished to sell. Objection had been made to requiring deeds to be printed when submitted to the registrar. The object of that was to render them less bulky and more readily accessible than they would be if in manuscript. A very ordinary form of a family settlement was as follows:—A. B. was tenant in life of an estate, and his son was tenant in tail. A settlement was made on the estate on a jointure to the wife of A. B., and a provision for the younger branches. Subsequently the estate was disentailed for certain objects with the concurrence of father and son. If the registrar found the short statement of the result of the limitations to be correct, he would enter it in the record of title. If he had reason to doubt the accuracy of the representations, their accuracy would be sifted, examined, and determined. As soon as they were determined, the registrar would insert them in the record of title, and the record would become a history in which the effect of each successive transaction would be recorded from time to time as they occurred. No lawyer would doubt that upon a half-sheet of paper the result of the limitations and provisions in a long deed of settlement could be recorded, and in that way titles would be easily understood and easily exhibited. For greater security he required the deed to be sent to the



registrar. It was a great objection to the registration of assurances that a man was required to part with his deeds of title. It was alien to the feelings and wishes of the people that he should do so, and, instead of the registrar keeping the deed itself, he would have a printed copy of the deed, and return the deed to the owner. He had been told that the printing of deeds would be expensive, but he had satisfied himself that almost everything used in the Court of Chancery could be printed for even less, and certainly for not more, than the charge of making a single written copy. Instead, therefore, of imposing upon owners a heavy charge, it would be one of the greatest measures of economy, and his ultimate object, by exhibiting its facility, was to supersede by printing all other forms of pleading. As to the difficulty of keeping up the record, their Lordships would recollect that the Bill provided the simplest forms of conveyance; and if resorted to, when an estate was on the register they would all be in a printed form, each occupying a piece of paper perhaps as large as the palm of the hand. As to the possibility of resort ultimately to the Consolidated Fund, that was a feature in the Bill which, no doubt, required great consideration and caution. It was a provision which was introduced because it was part of the recommendations contained in the Report of the Commission. But it was wrong to say that in every single case there would be a power of resorting to the Consolidated Fund. It was only provided in cases where no proper person could be made responsible, and where the overlooking a latent interest was attributable to its not being discovered, by some inadvertence, by the intelligence and care of the persons employed to investigate the title. It could only occur after an estate had been sold to a purchaser; and although the provision appeared in the Bill, it was merely to obtain their Lordships' approval of it, as it could not be transmitted to the other House without a violation of its rules. He was ashamed to have detained their Lordships so long by a discussion which could lead to no practical result, as the real discussion was to take place in Committee, and he would end by expressing an earnest hope that many of their Lordships who had not been professional lawyers would be members of that Committee, and bring their good sense and general knowledge to bear upon the subject.

LORD ST. LEONARDS objected to the Bill introduced by the noble and learned Lord near him (Lord Chelmsford), on the ground that it proposed to create a new Court. He thought that there were Courts enough already in existence. The judicial powers of the Court of Chancery were sufficient for the purposes contemplated by the measure. The great difficulty was to establish a title in the first instance, where there was no one to scrutinize it adversely as between vendor and purchaser. He was sure that their Lordships would go into Committee on all the Bills with the single desire to frame a really useful and efficient measure.

LORD KINGSDOWN said, he was quite willing to bear his part of the censure which had been passed by his noble and learned Friend on the Woolsack on those who had taken part in this debate. Though the Select Committee might be the proper place to discuss the machinery by which the Bills were to be worked, it was on the second reading that their Lordships were called on to express their views on their principle. The discussion which had taken place on this and the previous occasion had had the advantage of bringing them pretty much to an agreement as to the evils which were to be remedied. These evils were delay and expense. The delay would be diminished by every means which simplified the nature of the title and facilitated the transfer. The expense, however, was a very different thing, and the only real way of diminishing the expense would be by altering the principle by which the payment of costs was at present regulated. This present mode of having solicitors and counsel according to the length of instruments, had the effect of spreading over a number of skins of parchment that which might be stated in three lines. All of the Bills before the House agreed in this, that if their provisions took effect, a man would have to go through just as much trouble and expense to prove his title to the Court as he would have to prove it to a purchaser; but when he had once proved it, he might have a title which would be good for all purchasers. A system of registration was not necessarily connected with a declaration of title; a system of registration might or might not be advisable, but it certainly would not diminish complication or expense. What it was supposed to be likely to remedy were the evils arising from the suppression of instruments of which the purchaser had had no notice.

If they wished to satisfy the public—and that was the most important object—he believed they could not do anything so likely to set it against these changes as increasing the number of courts and officials, and adding to the large sums paid to legal officers appointed at one time, and removed or superseded at another. They must take the Chancellor of the Exchequer into their councils, for they might talk as they pleased of the expense of the transfer of land, a large portion of that expense was caused by stamp duties. A man might transfer £100,000 in the funds without paying a farthing to the Treasury; he could not transfer an acre of land without paying a stamp duty. The extent to which this had been carried was extravagant. In conveyances by lease and release, the ordinary form of passing the title to land, the Legislature had done away with the lease, which was quite useless; but had nevertheless provided that the purchaser should pay a stamp duty upon it as if it were still in existence. There was an essential difference between land and property in the funds. One £100 in the stocks was exactly like another £100, and the purchaser knew exactly what he bought. But one acre of land was not the same as another acre. In dealing with land it was the very essence of the matter that the parcels should be identified. It was impossible, therefore, that land should ever be transferred from hand to hand like chattels or like stock, even if it were desirable that the same facility of transfer should prevail, which he did not think that it was. It was proposed to refer these Bills to a Select Committee; but on this occasion, when they were being read a second time, he thought their general principle and the extent of the changes ought to be distinctly stated.

*Motion agreed to.*

Then Security of Purchasers Bill; Transfer of Land Bill; Title to Landed Estates Bill; Registry of Landed Estates Bill; and Real Property (Title of Purchasers) Bill; severally read 2<sup>a</sup>, and referred to a Select Committee.

And on Thursday next the Lords following were named of the Committee:—

|                                    |              |
|------------------------------------|--------------|
| Ld. Chancellor                     | E. Derby     |
| Ld. Privy Seal                     | E. Clarendon |
| D. Marlborough                     | E. Carnarvon |
| Ld. Steward, (Earl of St. Germans) | E. Powis     |
|                                    | E. De Grey   |

*Lord Kingsdown*

|                        |                 |
|------------------------|-----------------|
| E. Ellenborough        | L. Cranworth    |
| L. Wodehouse           | L. St. Leonards |
| L. Harris              | L. Wensleydale  |
| L. Wynford             | L. Chelmsford   |
| L. Stanley of Alderley | L. Kingsdown    |
| L. Overstone           |                 |

Transfer of Real Estate Bill:—Second Reading (which stands appointed for this day), *put off to Monday next.*

House adjourned at Eight o'clock, till To-morrow, half-past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, March 3, 1862.*

MINUTES.]—NEW MEMBER SWORN.—FOR Wakefield, Sir John Charles Dalrymple Hay, baronet. PUBLIC BILLS.—2<sup>o</sup> Merchandize Marks; Officers' Commissions. 3<sup>o</sup> India Stocks Transfer; Consolidated Fund (£973,747).

### OUTRAGE ON THE ITALIAN CONSUL IN MALTA.—QUESTION.

MR. DARBY GRIFFITH said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether information has been received that great outrage and insult was offered to the dwellings and persons of the Italian Consul and of Signor Fabrizzi, Deputy to the Italian Parliament, and other Italian gentlemen, on the occasion of the fête of St. Paul, at Malta, on the 9th and 10th February, the authors of which were presumed to be Neapolitan and Sicilian Bourbon refugees; whether the Italian Consul had previously communicated the expectation of such outrage to the Government of Malta, and had received assurances of protection for himself and his countrymen; and if so, whether means will be taken by the Home Government to prevent in future such an abuse of the privilege of asylum accorded to those persons upon British territory?

MR. LAYARD in reply said, that a representation had been made by the Italian Government to the Home Government as to the affair mentioned by the hon. Gentleman—namely, the outrage and insult to the persons and dwellings of the Italian Consul, Signor Fabrizzi, and other Italian subjects in Malta, by persons who were supposed to be Neapolitan and Sicilian refugees. Inquiries were directed to be made. They had not yet heard the result, but of course every step would be



taken for the protection of any Italian subjects who might be in Malta.

UNITED STATES AND MOROCCO.—ARREST OF THE CAPTAIN OF THE "SUMTER."—QUESTION.

MR. DARBY GRIFFITH said, he would now beg to ask the Under Secretary of State for Foreign Affairs, Whether information has been received that the Captain of the *Sumter* has been arrested at Tangiers at the instance of the American Consul at Gibraltar and the Captain of the *Tuscorora*; and, if so, whether it is supposed that any pressure has been put on the Moorish Government by the American officials, or any infringement of the independence of the territory of Morocco has taken place in such transaction?

MR. LAYARD said, it appeared that an officer named Myers, of the steamer *Sumter*, accompanied by Mr. Tonsel, late United States Consul at Cadiz, was pursuing a voyage in a French merchant steamer, bound for Cadiz and other ports. They landed in Tangiers, and were arrested by the American Consul, who requested the Moorish authorities to give him their assistance. He did not know that any pressure had been put on the Moorish Government; because, according to the law of Morocco, a Consul had a right to arrest a subject belonging to the Power that he represented. It was on a representation to that effect by the American Consul that the Moorish authorities enabled him to arrest those persons. Her Majesty's Government had since heard that Mr. Tonsel and Mr. Myers had been set at liberty.

EXHIBITION OF 1862—ROAD THROUGH KENSINGTON GARDENS.

QUESTION.

MR. WENTWORTH BEAUMONT said, he wished to ask the First Commissioner of Works, Whether, with a view of relieving the crowded state of Park Lane, there will be any objection to open Hyde Park, between Stanhope Gate and Apsley Gate, for the passage of cabs while the International Exhibition is open?

MR. COWPER said, Hyde Park was already so crowded with carriages on ordinary occasions that he thought there might be great reason to doubt whether the public convenience would be consulted by allowing public carriages to pass between Stanhope Gate and Apsley Gate when the great influx of additional traffic that

might be expected during the Exhibition set in. The road near Hyde Park Corner had already been widened to the full extent that the trees would permit. At present it would be difficult to make any calculation as to the number of vehicles that would pass through Park Lane. It might be wise, therefore, to postpone any decision till they should have had some experience as to the direction which carriages would chiefly take.

LIGHT CAVALRY REGIMENTS.

QUESTION.

CAPTAIN STACPOOLE said, he would beg to ask the Secretary of State for War, Why the 3rd, 4th, 13th, and 14th late Light Dragoons were changed into Hussars, and whether there is any difference in the weight of their appointments; also if the Officers have received, or will receive, any compensation in consequence of the expense they have been put to by the change of uniform, and if the men of those regiments have or will receive any compensation in lieu of their old clothing?

SIR GEORGE LEWIS said, that the alteration referred to by the hon. and gallant Gentleman had been made in consequence of the Report of a Committee of Cavalry Officers, presided over by His Royal Highness the Duke of Cambridge. It consisted merely in converting four regiments of Light Dragoons into Hussars. The change in the uniform was very trifling; and in the case of privates it was principally in the stable-dress. Time had been allowed for the present clothing to be worn out before the change was to come into operation, and when that was the case it was not the custom to give compensation to the Officers. In the case of the privates also, time was allowed for wearing out the old uniform.

RETIREMENT OF INDIAN OFFICERS.

QUESTION.

COLONEL GILPIN said, he wished to ask the Secretary of State for India, If he will lay upon the table the Report of the Commissioners who were assembled in India to consider upon what terms Officers of the Indian Army for whom no active employment could be found should be permitted to retire; and also the decision of the Home Government in reference to the recommendation of such Commissioners. In case the right hon. Baronet should refuse the Return he asked

for, he would beg to inquire of him whether he can state the number of promotions which will be made in consequence of the retirements sanctioned by the Home Government?

SIR CHARLES WOOD said, he did not think it was desirable to lay on the table the Report alluded to by the hon. and gallant Gentleman. It was the Report of a Commission appointed by the Indian Government. The Indian Government disapproved the Report; and all the Home Government had done was to concur in disallowing the recommendations of the Commission. The Government of India thought that a smaller retirement was desirable, and a retirement of such a character had, in the mean time, been made out by the Home Government. Their scheme was for the retirement of Lieutenant Colonels, Majors, and Captains, to the number of 300 in all. Up to the date of the last accounts, 122 Lieutenant Colonels, 83 Majors, and 30 Captains had accepted the proposal, and the Government had reason to believe that the full number of 300 would avail themselves of the retirement. The hon. and gallant Gentleman had also asked him as to the number of promotions. One-half the vacant Lieutenant Colonelcies, and the whole of the vacancies in the rank of Major and in that of Captain would be filled by promotion. There had been 59 promotions to the rank of Lieutenant Colonel, consequent on the 122 retirements; 83 to that of Majors—equal to number of retirements; and 30 to that of Captain, the same as the number of retirements. It would thus be seen that there had been 235 retirements and 172 promotions. The Government had reason to believe that there would be 65 more retirements of Captains; and, if so, there would be 65 promotions.

MAJOR KNOX: May I ask the right hon. Gentleman whether the promotions will be by seniority?

SIR CHARLES WOOD: All promotions in the Indian army are by seniority.

#### RETIREMENT OF BARON RICASOLI.

##### QUESTION.

MR. KINNAIRD said, he would beg to ask the noble Lord at the head of the Government, Whether he has received any confirmation of the report that Baron Ricasoli had resigned, and that Signor Ratazzi had been sent for by the King of Italy?

*Colonel Gilpin*

VISCOUNT PALMERSTON: Her Majesty's Government have received information, which they have reason to believe it authentic, that Baron Ricasoli had tendered his resignation; that that resignation had been accepted; and that Signor Ratazzi had been commissioned by the King to form an Administration.

#### SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

#### RELIEVING TROOPS IN THE COLONIES.

##### OBSERVATIONS.

MR. H. BAILLIE said, he rose to call the attention of the House to the want of system which prevails in relieving Her Majesty's Troops serving in India and in the Colonies. In the first place, he was anxious to remind the House that two years ago a Bill was passed for amalgamating the Indian army with the Royal Army; and that on that occasion the House abolished the system of governing the Indian army that at that time prevailed. Whatever might have been the inherent defects of that system, the army of India had achieved great conquests and won great glory under its auspices on every field of battle, and had won for Her Majesty the most extensive and most magnificent empire on the face of the globe. The House took upon itself to abolish the system under which the army had accomplished those deeds, by introducing a Bill at the end of the Session, which passed through its various stages with a very small attendance of Members. The truth was, the House did not appreciate the importance of the subject, nor did it recognise an important feature of the Bill—namely, that it effected a great change in the nature of the service of the Royal Army. Previous to the Indian rebellion the Royal Army was only called on to furnish 20,000 men. After the passing of the Bill the Royal Army was called on to furnish 80,000 men. That was a great change in the nature of the service of the Royal Army. Practically it reduced the Royal Army to the condition of a colonial army. All that might be for the good of the army—he did not wish to enter into that question—but it should not have been carried into effect until the Government had been able to give full and ample ex-



planation to the House of the nature of the system which for the future it was intended to adopt. No such explanation was given. His right hon. Friend the Secretary of State for India (Sir Charles Wood) frankly confessed that the Government had not matured their plans. He stated that a Royal Commission was sitting to draw up a scheme for the amalgamation of the Royal Indian army; and it was under these peculiar circumstances that the House of Commons decided to place implicit confidence in the Government, and to leave the details of the measure in their hands. Under these circumstances, the Secretary of State for War could not be surprised that Members should now come forward and ask how that confidence had been justified—what was the result—what, in short, was the future of the scheme and plan which the Government with reference to the service in India had finally decided to adopt? Before he proceeded further, it might be well to remind the House of the evils complained of under the old system, and what were the reasons assigned by the Government for the introduction of the Bill. The evils complained of were these. It was said that the Indian army had been in a state of mutiny; that the European troops of the Indian army had been in a state of mutiny. It was asserted, on the authority of distinguished officers who had served long in India, and who had given their evidence before the Royal Commission, that the European troops of the Indian Government had for a series of years been in a chronic state of indiscipline. It had been stated by some, that such was the effect of the climate of India on the health of officers long subject to its influence, that it rendered them less capable of employing that vigour which was necessary for strict discipline and the good of the service; and I think it was stated that no regiment of Her Majesty could serve for a longer period than ten years in India, without being seriously deteriorated, for these causes. These were the evils complained of under the old system. And what was the remedy proposed by the Government? It was stated by the Government that thenceforth reliefs should take place more frequently, and that no regiment of Her Majesty's Army should be compelled to serve for longer than ten years, either in India or in the Colonies. In the course of the discussion which ensued, he ventured to observe that however desirable such an arrangement would be, it might possibly

be found difficult to carry it into operation, for that the House of Commons, or even some Chancellor of the Exchequer, might object to vote the number of men that would be required for a standing army at home, in order to relieve so large a force as would be stationed in India every ten years; and that if those obstacles or difficulties should arise, the result would be, that Her Majesty's troops would be left for an indefinite period in India or in the Colonies, and that they would practically become local troops without any of the advantages of the local troops under the Indian Government. Now, what were the advantages enjoyed by the local troops under the Indian Government? Every officer who entered into that service knew beforehand what was the nature of the service; he knew beforehand what would be required of him; he knew that he would be required to serve for ten years in India; he knew that at the expiration of the ten years he would have two years' leave to return to Europe to renovate his health; that after the expiration of his leave he would be compelled to return to India for another ten years' service; that after that he would have again two years of leave, or if his health had suffered from the climate, he could then retire from the service with the full pay of his rank. These advantages served to mitigate the evils of long service in a tropical climate; but no such advantage was enjoyed by the troops in the service of Her Majesty. When one of Her Majesty's regiments went to India it was for an indefinite period—ten years, twenty years, thirty years. There were instances of Her Majesty's regiments being left in India for twenty-eight years. No officer, therefore, who went with his regiment to India could reasonably calculate that he would be able to return to his native country with his regiment; he must make up his mind to leave his regiment or to leave his bones in India. This was a species of cruelty that was practised by no other Government in the world. There were other Governments which had colonies in tropical climates, where they maintained large bodies of troops—for instance, the Governments of France, of Spain, of Holland—but in all cases the periods of service of the troops were always limited. It was in England alone that a contrary practice had prevailed. Did the Government assert that the practice was a good one? On the contrary,

the Government denounced the practice—they said it led to relaxation of discipline in the army. Then why had the practice been retained? It was simply a question of economy. The Ministers of the Crown had always been afraid to come to Parliament and ask for the number of men that would be required to relieve the troops in India and the Colonies at a stated period. The Duke of Wellington never was able to effect that object, although very anxious to accomplish it. Now, this he (Mr. Baillie) believed to be the only reason. He believed the Government would be anxious to relieve the troops with regularity if they had the requisite number of men; but he doubted whether they had the number of men. In order that the House might understand the question, he would just state, in the first instance, what was the number of troops now required to be stationed in India and the Colonies; secondly, what would be the force required for a standing army at home in order to relieve those troops every ten years, allowing them on their return from foreign service five years at home; and after that he would state to the House what number of troops they now had in the country to perform that service. First, take the case of India. The Secretary of State had informed the House that the number of troops fixed for India was 73,000. He (Mr. Baillie) believed this to be the lowest amount of force with which we could ever govern India with security. He knew that a difference of opinion existed on this point; but his hon. and gallant Friend (Colonel Sykes) who held a contrary belief overlooked the fact, that although there appeared to be 73,000 on paper, practically there were not more than 50,000 fit for active service, as an average of one-third of the Europeans would always be in the hospital. Now, would any one say that 50,000 would be too high a number to be maintained for active service in India. We had only 50,000 men in India when the rebellion broke out, and did not every one admit that the rebellion broke out solely owing to the want of a sufficient number of European troops? It should always be borne in mind in considering this subject what an enormous extent of country we had to govern, with upwards of 180,000,000 of people and 1,200 miles of frontier, inhabited by fierce, warlike, and hardy mountaineers, always anxious for war, and always making inroads upon

*Mr. H. Baillie*

us. He did not think that any one would say that 50,000 were too large a force under such circumstances. They must therefore maintain 70,000. Now, what was the force at the present time stationed in the Colonies? The House would be surprised to hear that the force stationed in the Colonies was, as well as he could calculate, upwards of 61,000. From that force, however, must be deducted the colonial troops that did not require relief, which he estimated at 8,000; leaving 53,000 men stationed in the Colonies who would require relief; and that added to 73,000 men in India would give an army of 126,000 men requiring relief. Now, what amount of force for a standing army at home would that necessitate in order to relieve the force every ten years, and allow the troops who returned from foreign service five years at home? The amount, as far as he could make it, would be not less than 112,000 men; and he would give the House the data upon which that calculation was made. In the first place, there was the relieving force, amounting to 63,000. To that should be added the Guards, 8,000; the depôts, 16,000—a very small estimate; 10,000 always at sea; because, if they had to send to India every year 13,000 and bring home 13,000, there must be 13,000 for the wear and tear of the army and the men whose period of service had expired. Some persons had calculated that 15,000 men would be always at sea, but he had put it down at 10,000. There then remained a certain proportion of Artillery and Waggon Train to be maintained at home, with a certain number of men for contingencies, by which he meant a force to send out to any colony that might require it. The force necessary for these purposes he put at the very moderate number of 15,000; making a total of not less than 112,000 men if the system of relief was to be carried out. He then came to the third point. What was the force which they actually had at home at the present time? So far as he could estimate that force, not having official papers, it did not at the present time amount to 90,000 men. So that the number was less by upwards of 20,000 men than was absolutely required to relieve the men now serving abroad. He was aware that many Members of that House thought the Votes for the army of last year were too high, and no doubt many had the same opinion of the Estimates this year. It was even



said that such was the opinion of the Chancellor of the Exchequer. If that really were his opinion, he ought to state to the House the calculations upon which he arrived at that conclusion. He ought to state to the House what number of men should be stationed in India and what number in the Colonies, and the period of service, as the number of men required depended upon that. Of course, if the service was for twenty years, only half the number of men would be required for relief that would be required for ten years' service. The House should bear in mind that the military establishment of this country mainly depended on the policy that was adopted with reference to the Colonies. He knew there were many Gentlemen, both in that House and out of it, who believed the colonial policy of this country to be erroneous, who believed the Colonies were a burden to us, and drained the resources of this country both as to men and money, and that we should have just as much trade and commerce with the Colonies if they were altogether free and independent of us. There were others who contended that our magnificent Colonies contributed to the greatness, power, and glory of England, and that they ought to be maintained at any cost and at any price. He would not offer any opinion on that subject at present, as he was not called upon to do so; but he would say, that if the Colonies ought to be maintained, the people of England must be prepared to maintain a force adequate for their defence. Hon. Gentlemen were in the habit of going back twenty years, and comparing the amount of the Estimates then with the amount at the present day. The hon. Member for Lambeth (Mr. Williams) did so. Did he reflect on, or did he know of, the great extension of our Colonies during those twenty years, and, consequently, the much greater demand there was now for military support as compared with twenty years ago? He (Mr. Baillie) would give a few illustrations. He first took the Colony of New Zealand. Twenty years ago we had no Colony in New Zealand. We had now not only a magnificent Colony, but there was an army there of 6,000 men, who were engaged in active hostilities with the natives, and consuming a vast amount of military stores. For an army of 6,000 men in a Colony they must have 3,000 men at home for their relief, so that New Zealand cost us the maintenance of 9,000 men.

Take the case of the Cape of Good Hope. Twenty years ago we had not extended our frontier as we had recently done, and now we were in contact with fierce and warlike tribes of Kaffirs, who had engaged in war with us, and not without success; and in order to defend the frontier we were obliged to maintain in South Africa at the present time double the force of twenty years ago, and in addition a force at home competent to relieve it. The colony of Hong Kong had a regiment, and so had Swan River and Victoria. Take the case of the military stations in the Mediterranean. Twenty years ago the Government felt so secure of peace that they did not think it necessary to keep up the fortresses in a common state of defence, and the garrisons were reduced so low that they did not amount to 3,000 men. He remembered a Governor of Malta stating that he had not got one ordinary gunner to every five guns. The fortresses, besides, were without military stores. The Government a few years ago very wisely thought it was necessary to place these fortresses in a state of defence, considering that the preponderating power of France and the increasing power of Spain left them no other alternative. For the garrison of Malta there were now 6,000 men, at Gibraltar 6,000, and added to that must be 3,000 for the relieving force at home, so that the Mediterranean fortresses required 9,000 men more than they did twenty years ago. Take the case of Canada, the best illustration of all, for it was the most magnificent of all our Colonies, rich, flourishing, and populous. It had an independent Government of its own, and a Parliament that legislated without reference to the interests of England, as was sufficiently illustrated by the tariff that was lately passed, and which he was assured upon the highest authority was very little, if at all, better than the celebrated Morrill tariff of the United States. Twelve months ago the Government did not think it necessary to defend Canada, and only one of Her Majesty's regiments was there, and a few artillerymen; and an order was sent out to the officer commanding the artillery at Quebec to knock off the trunnions of the guns and to sell the guns for old iron. The officer who received that order was in this country now, and he very wisely took upon himself not to obey the order, and the guns were there now. Such were the views of the

Government twelve months ago. They now took a totally different view of the question, for with the entire approbation of the people of this country, they had sent 15,000 men to Canada. Nobody could suppose that force had gone to Canada for a temporary occasion; because it must be perfectly obvious, when we considered the hostile feelings of the people of the United States, when we considered the great anxiety they had always exhibited to annex Canada, and when we considered the great military force that would be at their disposal at the end of the civil war—it was obvious to every one that that force must be retained in Canada. Under these circumstances the Government might have been expected to come to the House and say that having been obliged to send 15,000 men to Canada, there must be an addition to the army of an equal number. That course they had not adopted; they had not increased the army; and the consequence would be that when the time came for relieving the troops, those troops which should go to relieve the army in India would have been sent to Canada. That was a question in which the officers of the army were deeply interested; every young officer who entered the army was entitled to know what was the nature of the service and what was required of him. He had a right to know whether he would be obliged to serve in India ten years or twenty years. And not only were the officers of the army entitled to the information, but the House of Commons were entitled to know what the intentions of the Government were, as the House of Commons, when the Amalgamation Bill passed, placed implicit confidence in the Government, and left all the details in their hands. These were the reasons which had induced him to bring this subject under the notice of the House, as it was a subject well worthy of their serious attention. He therefore trusted that the right hon. Gentleman the Secretary for India would be prepared to give the information required, which it was his duty, and, no doubt, his wish to do. He (Mr. Baillie) had no complaint to make with regard to the Estimates. His only fear was that they were too small, and would not enable the Government to do justice to the army.

SIR CHARLES WOOD begged to reply to the observations of the hon. Gentleman, and he trusted that the statement he had to make would prove satisfactory. It had been asked what change had been

introduced in respect to the system of reliefs in consequence of the amalgamation of the forces in India, as the present mode of relieving the Queen's troops in India and elsewhere was stated to be unsatisfactory, imposing on them hardships. When the time arrived for considering the conversion of the European regiments in the Indian Establishment into regiments of the Line, it was necessary to consider what would be the demands on the regiments, in order to know the number of battalions that should be added to the army, and the question of reliefs was carefully gone into by the Duke of Cambridge, Lord Herbert, and himself; and they also consulted various military authorities on the subject. It was quite true that there had been instances, but not recently, of regiments serving abroad for periods nearly approaching to twenty years; but it had been the great object with the military authorities to bring the system of reliefs to ten years abroad and five years at home, being about equivalent to two-thirds of the army abroad and one-third at home. In this calculation the Guards and the Cavalry were excluded, and the question was really confined to infantry. When the question of the formation of regiments of the Line from the local troops in India was under discussion, the number was determined by the consideration to which he had adverted—namely, that such a number of battalions should be formed as would enable one-third always to be at home. According to this principle, there would be fifty-six battalions of infantry in India, thirty-eight abroad in the various colonial possessions, and forty-seven at home, making 141 battalions of infantry of the Line. It was true that latterly there had been an extraordinary demand for troops in various parts of the world. A much larger force had been sent to Canada, and a larger force was also employed in New Zealand, than usual; but when the demand for men beyond the ordinary number in various places should cease, then some of the regiments would return home, and would enable that arrangement, which was a desideratum both for officers and men, of ten years' service abroad and five years' service at home, to be carried out. It was the object of the Government to attain that most desirable state of things; and he believed that there never was a period when it was more nearly approached than at present, when the numbers of battalions

*Mr. H. Baillie*



at present in India was 56, abroad 45, and at home 40. Of course, circumstances might arise occasioning a temporary demand for additional regiments abroad; but, under ordinary circumstances, the arrangement he had mentioned would be the rule.

## MILITARY EXPENDITURE FOR INDIA.

### RESOLUTION.

SIR HENRY WILLOUGHBY said, he had given notice of a Resolution which he believed to be in the interest of the taxpayers both in this country and in India, for his objection to the amalgamation scheme was the enormous cost that would be incurred in the transport of the military backwards and forwards. His Motion was to the effect that all monies required for raising and training officers and men for service in India should be voted in that House in a separate Estimate, and repaid into the British exchequer by the Indian Government, and he suggested that the repayment should take place by monthly instalments. His proposition was supported by the highest authority, and was founded, he believed, on common sense. It had been his intention to have brought the subject before the House last Session; but he was advised by the late Sir James Graham, whom he had the honour of consulting, to wait to see if any action in respect to the matter would be taken by the Government. It had been proved that the accounts in the War Office were not kept in a state of perfection. The hon. and gallant General the Member for Huntingdon (General Peel) had given notice of his intention to make a statement on the want of control on the part of that House over naval and military expenditure. He would not therefore enter into that question now, except to say that it was the clear duty of the House not to add to the difficulties in the War Department, or, by mixing up Indian with British accounts, to render quite unintelligible that which at present was far from being so clear as it ought to be. It was easy to see that the question raised was one of the greatest importance. They had imposed upon the British taxpayer during the last three years for the army a charge of forty-five millions and the greatest confusion had been created by mixing up the Indian and British accounts. The House was now called upon to vote £15,300,000 for the army, and the Estimates for the army

and navy together amounted to twenty-seven millions. He observed a remarkable and most important change in the Estimates. A sum of upwards of £900,000 on account of certain home charges for the army in India was now, for the first time, included in the estimate of military expenditure. That charge would be imposed, in the first instance, upon the British taxpayers, whom it was the duty of that House to protect, and they could be protected best by keeping the accounts separate. It was also the interest of the Indian taxpayers that the accounts should be kept separate. There had been a feeling generated in India akin to that which prevailed in the American Colonies before they separated from the mother country. The people of India held the opinion that vast home charges for military purposes were inflicted upon their country by the authorities here, and it appeared that last year they had had to pay under that head a sum of no less than £1,619,000, and it behoved that House to prove, by a thorough discussion of the Estimates, that everything in financial matters was fair and aboveboard. To the Secretary of State for India and his Council the sanction of Parliament would be invaluable, for it would enable them to resist a pressure which papers on the table showed was now brought to bear upon them, and to which they were, perhaps, sometimes obliged to yield. Mr. Laing, who might be called the Chancellor of the Exchequer of India, when addressing the Madras Chamber of Commerce in December last, and alluding to those import duties on British manufactures which many hon. Gentlemen considered so injurious, stated that relief should be looked for in a reduction of the home charges, and of Indian military expenditure. The same view was entertained by the press and the leading men in India, and if the House of Commons desired to give contentment to the people of that country it must see that the military expenses were fairly calculated. He was persuaded that an honest and straightforward conduct on the part of that House, assisted by the publicity which was always given to its proceedings and by the comments of the press, would be found the best means of preventing discontent and maintaining tranquillity and order in India. Supposing the military expenditure for India to be properly discussed and voted, the question then arose, who was to pay it? He hoped the British taxpayers would be

kept clear of that burden at least. What authority had Ministers for the feasibility of their scheme that the money voted should be repaid into the British Exchequer by the Indian Government in monthly instalments? In 1860 a very laborious and able Committee was appointed to consider the military organization of the empire. He might cite in favour of his view the opinion of every Gentleman who took part in that inquiry. The report of the Committee, which was drawn up by the late Sir James Graham, stated that the accounts as between India and the British Exchequer were in a most unsatisfactory state. Why were they in an unsatisfactory state? Simply because they were never settled. It was proved before the Committee that certain accounts were kept open for a period of five years. The Committee discovered that at the time they were sitting the accounts of the Persian war had not been closed, while those for the China war of 1856 were only settled, by a sort of compromise, in 1860. Mr. Anderson, the financial Secretary to the Treasury, Mr. Arbuthnot, of the same department, the Accountant General, and the late Lord Herbert, all admitted, in reply to questions from Sir James Graham, that nothing could be more unsatisfactory than the state of the accounts between this country and India. There were accounts kept open for years, disputed balances, and no settlements. But we had now got into a new phase of Indian accounts. The sums were enormous. Last year no less a sum than nearly a million was spent in this country on account of the Indian army. Who was responsible for that expenditure? A large portion of it was prospective—for invaliding and pensions which would fall due at some future period. Who was to look after the fair distribution of that expenditure if the House of Commons did not take the matter in hand? Mr. Anderson told the Committee of 1860 that the best mode of meeting the difficulty would be to arrange that all monies required to be expended in this country on account of the army in India should be voted by that House; that they should be issued under proper checks; that they should be repaid into the British Exchequer by the Indian Government; and that the accounts, after being audited, should be laid before Parliament in the usual way. That was an admirable suggestion, and it could be easily carried into effect. If hon. Mem-

*Sir Henry Willoughby*

bers looked at the present Estimates, they would find that in no less than seven Votes they were referred to a certain note, which informed them that the sums included something relating to the Indian army. Of course, that struck at the accuracy of our own Estimates, but it also muddled up British and Indian finance in a manner which should not be tolerated for a single day. These were the grounds on which he thought his Motion might be fairly supported; and he thought this was the proper time for submitting it to the House, when they found for the first time Indian accounts muddled up with the English Estimates. Above all he thought it was but justice to the English taxpayer that he should not be charged with these payments. It was a most curious thing to find a necessity for an additional penny per pound on the Income Tax on account of India, and the import duties maintained in consequence of the charges on India in this country. He therefore did hope that the House would uphold its own character by keeping these accounts clear. Whatever control they now had over the army expenditure would be much weakened by mixing up, as a new element of confusion, British with Indian finance.

#### Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it is the opinion of this House, that all monies required on account of the raising, training, &c., Officers and Men for Service in India, and all other expenses connected therewith, shall be voted in this House in a separate Estimate; and that all such monies shall be repaid into the British Exchequer by the Indian Government'"  
—instead thereof.

SIR GEORGE LEWIS: I do not at all dispute the right of the hon. Baronet to bring forward this Motion upon going into Committee of Supply on the Army Estimates for this year; but I think the House will see that it can have no bearing on the Estimates that are now on the table, when, in order to give effect to the Motion, these Estimates must be withdrawn and entirely recast, and considerable delay necessarily incurred for the purpose of that double operation. Therefore, whatever importance the Motion may have must be considered as limited strictly to its future operation. But I confess, if the Government had taken the course which the hon. Baronet recommends in his resolution, I should have expected to hear the hon. Baronet himself, as a financial



reformer, protest against a system so defective, and call on the House to adopt the course actually followed in these Estimates; because it is an unquestionable fact that the system which has been heretofore followed in presenting to the House the cost of the Indian military expenditure has been imperfect and anomalous. There was a charge of £60,000 for the non-effective service, which was paid into the Exchequer; on the other hand, with regard to the effective service and the Indian depôts in this country, the matter was arranged between the Indian Government and the War Department. The War Department incurred the expense in the first instance, and kept a separate account. That account was presented to the Indian Government and the expense paid; but no trace of that transaction appeared in the Army Estimates. And it is an entire mistake when the hon. Baronet says that now for the first time the Ways and Means are affected and the English taxpayer is called on to advance the money. The money was as much advanced before from the British Exchequer as it will be under the present system; the only difference is that there was a transaction between the War Office and the Indian Government of which the House had no cognizance, but which is now brought under the cognizance of the House. The hon. Baronet is therefore entirely mistaken in representing the change made as a retrograde movement. It is a decided improvement on the former system. The whole expense incurred and paid out of the English Exchequer in the first instance appears in the Votes, and we make now a statement of the repayment we are to receive from the Indian Government. That repayment has been arranged on a fixed and simple principle. It admits of being liquidated according to the number of men on the Indian establishment; and there can be no dispute between the Home and the Indian Government as to the amount. Therefore it seems to me that the matter now is placed on the most simple and intelligible footing, of which this House can have no reasonable ground to complain. In fact, the whole object of the Government, with a view to simplify these accounts, to make them intelligible, and bring them before the cognizance of this House, has been in a diametrically opposite direction to that described by the hon. Baronet. Their object was to place the whole military ex-

penditure in the account, and to show the set-off obtained in a gross sum from the Indian Government. What is meant by the amalgamation of the Indian and the English armies? Assuredly it means that instead of being two they are branches of the same army; and if the army be amalgamated surely the accounts should be amalgamated. It must be useful as far as our Indian depôts are concerned, and the expenses in this country on account of India, that they should appear in our army accounts, I cannot admit that the smallest advantage can arise from adopting the plan recommended by the hon. Baronet. But if it were desirable that there should be such a separation between the two Estimates—that we should have one for the English army employed in India and another for the British army—I very much question whether it would be practicable. I trust, therefore, the House will not agree to the Resolution of the hon. Baronet.

COLONEL SYKES rose to second the Motion. In the present year there were 75,899 European troops in India, and 7,629 belonging to the regiments in India in depôt here, making about 83,500 men. A capitation of £10 upon that number would yield a sum of £835,000; and allowing £3 10s. for the non effective service, this would give a sum of £1,132,500 transferred from India annually, and put into the English Exchequer. He thought the hon. Baronet was right in saying that the House ought to have these accounts separately, and ought to be able to trace what became of the money. When the mutiny broke out, in 1857, there were not 45,000 European troops in all India, and there were not 12,000 in active employ against the 100,000 veteran Bengal sepoys. When Oude was in rebellion, and many Native Princes were hostile, nevertheless that small body of men crushed the mutiny before the arrival of reinforcements from Europe, and in testimony of this he would read to the House the general order of the Governor General, dated the 5th November, 1857—

“ Before a single soldier of the many thousands who are hastening from England to uphold the supremacy of the British power has set foot on these shores, the rebel force, where it was strongest and most united, and where it had the command of unbounded military appliances, has been destroyed or scattered by an army collected within the limits of the North Western Provinces and the Punjab alone. The work has been done before the support of those battalions which have

been collected in Bengal, from the forces of the Queen in China and in Her Majesty's Eastern Colonies, could reach General Wilson's army; and it is by the courage and endurance of that gallant army alone that the head of rebellion has been crushed, and the cause of humanity and rightful authority vindicated."

Could it be possible, now that the whole of India was at our feet, and no enemy to oppose us, that we required 83,000 troops? He appealed to common sense whether that could be necessary. Of the European troops maintained in India, 7 per cent died annually, and 3 per cent were invalided; and the people of England had a right to inquire whether it was necessary to spend so much of the youthful blood and sinew of the country in India. The fact was, they had lost that confidence in themselves which they possessed when India was under the rule of the East India Company. They had it on the authority of Mr. Laing, in his letter to the Chamber of Commerce at Madras, that it was the expense occasioned by this large number of troops that necessitated an import duty of 10 per cent on the cotton goods sent from this country to India, and the imposition of an Income Tax in India; and till the European army was reduced those imposts could never be remitted. If the twenty-one nations composing our dominions in India had been inclined to shake off the British yoke, they could have done so when the mutiny broke out; and it was not therefore from necessity, but from the lust of power and patronage, that our large standing army was maintained at the expense of the tax-payers in India. His hon. Friend the Member for Inverness (Mr. H. Baillie) was mistaken in supposing that the massacres in India would not have taken place if they had had a larger force in India at the time of the mutiny, for these massacres took place in out-of-the-way localities, which would not have been adequately protected even if they had had 200,000 European troops in the country. If the hon. Baronet divided the House he should vote with him.

Mr. AYRTON said, the hon. Baronet, and his hon. and gallant Friend who had just sat down, objected originally to the amalgamation of the two services, and it was but natural that they should now object to the amalgamation of the accounts. But the Government, he thought, would have exposed themselves to serious animadversion if, after combining the Indian and English services, they had kept the

*Colonel Sykes*

accounts separate. They proceeded on the more intelligible and satisfactory principle that the whole army should be treated as a single body. In that way they hoped to attain three great desiderata. Firstly, a complete and uniform management of the whole of the army in this country; secondly, that the whole of the expenditure should be submitted to the House of Commons; and, thirdly, that the accounts between the Indian army and the English Exchequer should be placed on a clear and well-defined basis. Economy, too, had been a strong inducement in adopting the amalgamation, inasmuch as several unnecessary appointments, the expense of duplicate depots, duplicate sets of officers, duplicate establishments, were by the amalgamation extinguished. By these means the vast expense of keeping up in this country a subsidiary army, distinct from the British army, would be avoided, and proper supervision and economy would be insured in appointments and establishment charges, over which it would be otherwise impossible to keep any adequate check. No difficulty could arise with the Indian Government, because there was a fixed charge per man, and there never could be any doubt as to the number of men serving there; and there never could be any doubt as to what the cost of the Indian establishment was, as there always had been under the old system. He could not conceive how any objection could be taken to the course pursued by the Secretary for War, except, possibly, that he had not carried economical principles sufficiently far; but he certainly had done all in his power to give that House direct control over the matters which formed the subject of discussion.

Mr. HENLEY said, that if he understood correctly the statements of the hon. Member who had just spoken, his constituents in the Tower Hamlets would have the pleasure of contributing their share to provide the funds for the whole Indian army, inasmuch as his proposal was, that in consequence of the amalgamation of the two armies it was the duty of the Government to bring forward the entire charge for the Indian army—he did not say whether he included Blacks as well as Whites in his proposal—for payment in this country. [Mr. AYRTON: I said the whole charge in this country in respect to Queen's troops in India, not the whole charge of the Indian army in India.] Then, if that were the hon. Gentleman's view, he did



not see how it applied to the Estimates on the table, because, so far as he could understand anything in them, they gave what was to be the whole expense in this country. The Government simply said it is estimated that the sum of £985,000 should be charged on account of raising, training, &c.; and the *et cetera* was, no doubt, a very accommodating ending for a thing which was only estimated in the beginning. But what he was anxious to know was, what amount of money the Chancellor of the Exchequer was going to ask for in Committee of Ways and Means for the service of the year. It was clear that there would be a penny in the pound additional for the taxpayers of the Tower Hamlets, as well as the rest of the country, if the new system of keeping the accounts were adopted. The ordinary course pursued by a Chancellor of the Exchequer in making his financial statement was to say, "You have voted the Army and Navy Estimates, which amount to a certain sum; the Miscellaneous Estimates will amount to so much more. I want you to provide for these amounts in the Ways and Means for the year;" but in the present instance the House would be told that the Army Estimates were £15,000,000, and then they were told in a foot-note, printed in italics, that there was a sum of £900,000 odd which was estimated to be paid back again. Was that, he should like to know, a satisfactory mode of keeping the public accounts? For his own part he did not think so, and he quite concurred in the opinion that it would be desirable the estimate of the sum which it was said was to be paid back were given in a more detailed shape, for then the House would not be so much at the mercy of the Government when the proposals of the Chancellor of the Exchequer were made in Committee of Ways and Means. He, for one, did not see that the amalgamation of the two armies had anything to do with the question which had been raised. They now happened to require 70,000 of the Queen's troops instead of 30,000, and the expense was proportionately greater.

THE CHANCELLOR OF THE EXCHEQUER: I rise to answer the appeal made by the right hon. Gentleman, and I am not at all sorry he has made it, because, as this is a novel arrangement, it is quite right the subject should be discussed in this House, and that hon. Members should obtain a clear view of the grounds on

which the alteration was made and what its operation is likely to be. In dealing with the matter I would, in the first place, call the attention of the House to the nature of the old system; and I may observe, in doing so, that I think the right hon. Gentleman was quite right in his concluding observation, that the change recently effected with respect to the settlement of accounts relating to our Indian forces stands entirely apart from the question of the amalgamation of the two armies. This change, in fact, so far as it is a financial improvement and tends to simplicity in our accounts, might and, indeed, ought to have been adopted if the Indian and British establishments had continued upon their former footing. We must bear in mind that there were two great heads of expenditure incurred by Great Britain—in the first instance, with a claim to reimbursement from India, on account of the non-effective service; and, in the second place, on account of that which the right hon. Gentleman had described by the words "raising, training, &c.," which I suppose I shall be correct in designating the effective services. Now, the old system has been this, that the Indian Government paid £60,000 a year into the British Exchequer, which was supposed to be a reimbursement of our charge on account of the non-effective service of India. Of the charge or the reimbursement the House of Commons never heard, because the whole of the non-effective services were voted together in the British Estimates, there being no means of knowing how much lay to the charge of one service, or how much to that of the other. Neither was the reimbursement of this amount of £60,000 ever heard of by the House. [Mr. HENLEY: It used to be.] Not of late years. [Mr. HENLEY: Yes, within a few years.] Well, not, at all events, during the period for which I have been responsible for the finances of the country. The amount was simply paid into the Exchequer and taken credit for by the Finance Minister in Committee of Ways and Means as a portion of the miscellaneous Revenue of the country. Now, the alteration which has been made is this. The whole subject of the justice of this charge has been reconsidered, and in lieu of a fixed payment of £60,000 a year we shall now have a payment varying according to the number of men serving in India. The right hon. Gentleman will see, therefore, that it is impossible we could do more

than we have done — namely, estimate approximately the amount forthcoming under this head. We do not, in short, now proceed on the principle of charging a lump sum on India. To do so would invoke the risk of undue gain or loss to the Exchequer of one country or the other. Instead, we have fixed a certain sum per man, which is to be payable to this country according to the number of the force maintained. We get, in fact, £3 10s. per man on the non-effective services, in lieu of £60,000. With regard to the effective services, the old principle was that the War Department and the Indian Government settled the matter together without ever presenting the Estimate to the House, the War Department being subsequently reimbursed the exact amount the Indian dépôts cost in the first instance. The recommendation made under these circumstances—and it was one, I think, in accordance with the soundest principles of financial administration—was that, in lieu of that system, a new one should be established, in accordance with which the whole charge for those dépôts should be voted by the House of Commons; that the total cost of them to this country should be estimated as nearly as possible; and that on that Estimate as a basis the calculation of repayment from the Indian revenue should be made. Having, after a careful calculation, fixed £3 10s. for the non-effective, the Government arrived at the conclusion that £10 per man was the proper sum to fix for the effective service. As the system now stands, therefore, you will be called upon to vote, in the first instance, in one single Estimate the whole of this country's charge, both for the non-effective and effective services in India. These charges were estimated for the purpose of reimbursement at so much per head upon the army serving in India. On that basis the repayment will be made into the Exchequer, and will form part of the Miscellaneous Revenue. Some apprehension appears to have been felt in this discussion lest the people of this country should be placed in the position of being under a permanent advance to India in respect of these military charges. On the contrary, the arrangement which has been made will operate in such a manner that practically this country will be under no advance to India at all. Heretofore, indeed, this country has been under very serious advances of this nature; but now the basis

*The Chancellor of the Exchequer*

of the settlement that has been adopted will enable us to make the payments from time to time at very short intervals. I do not remember the precise terms, but I think they will be made from month to month; and the arrangement has been come to with the object on the part of the British Exchequer of bringing back into that Exchequer as nearly as possible within the financial year, under the head of Miscellaneous Revenue, the precise sum which will have been paid out within the same financial year under the head of Army Expenditure. Therefore nothing can be more simple than the answer I have to give to the right hon. Gentleman as to the effect which this arrangement will have on the financial statement of the Chancellor of the Exchequer. The first effect will be a certain apparent increase in the amount of charge to be borne by the country; because when he proceeds to state the amount which the House will be called on to vote, or may have voted during the financial year, he will have to include under the Army Estimates the cost of certain effective forces in India, which have never appeared in them before. But it is asked whether increased ways and means will not have to be found in proportion. My answer is, that those increased ways and means will find themselves, because the payments will come back from the Indian Government almost literally as quickly as they go out from the War Department; and therefore the financial Minister will take credit on the other side of his account in the shape of Miscellaneous Revenue to the exact amount of the addition to the Military Estimates.

SIR STAFFORD NORTHCOTE asked, whether they were to understand that the expense of the dépôts in England was borne under these Estimates, and was to be repaid in a capitation upon the army in India? [The CHANCELLOR of the EXCHEQUER: Yes.] Then the smaller the army in India, and the greater the number of these dépôts, the greater would be the expense to this country, and the smaller the proportion which the Indian Government would have to pay?

SIR GEORGE LEWIS: Of course every estimate of this kind must be made upon an average. The estimate of £10 per head was very carefully prepared last year by a Committee composed partly of Members of the Indian Department and partly of Officers of the War Department.



Different estimates were put forward on each side, and at last it was generally agreed that upon an average of the strength of the Indian Establishment £10 per head would be a fair charge. Of course extreme cases may occur.

COLONEL SYKES : £10 per head—that is, on the total number of troops in the Estimate?

SIR GEORGE LEWIS : No—on the muster-roll.

SIR EDWARD COLEBROOKE asked for some explanation of the *data* on which the £10 per man was reckoned, and hoped that the Report of the Committee to which reference had been made would be laid before the House.

MR. HENLEY : In answer to the contradiction which I received from the Chancellor of the Exchequer, I have to say that I now hold in my hand the Estimates for 1854, when the right hon. Gentleman held his present office, and it is there stated that under an Act of George IV. the sum of £60,000 was paid into the Exchequer from the East India Company.

THE CHANCELLOR OF THE EXCHEQUER : It was not deducted.

SIR CHARLES WOOD : In reply to the questions of hon. Gentlemen, I may state that the old practice was that the moment an English regiment was put upon the Indian establishment the whole expenses connected with that regiment were transferred to the Indian revenue. The payment of the regiment in India was made in India, and all the charges in respect of it payable in this country were paid by the War Office, and repaid by the Indian Government. The payment for these charges had been commuted into a sum of £10 per head, which included not only the cost of recruiting and training, but covered under the term “&c.” all other items of charge whatever (which were too many to be enumerated) incurred in this country in respect of a regiment in India. The War Office has no interest in keeping down this expense; while, on the other hand, the Indian Government—which, being charged with the payment, has such an interest—has no means of keeping it down. The consequence is that much disagreeable correspondence has been going on between the two departments; and to that state of things it is desirable to put an end. A Committee was appointed, as my right hon. Friend has said, of which Sir Alexander Tulloh was chair-

man; and on that Committee sat on the one side the Deputy Paymaster General and the Revenue Clerk of the Treasury, and on the part of the Indian Department, the Auditor of the Indian Office and the Chairman of the Military Finance Commission of India. They ultimately arrived at the conclusion—which they reported in very general terms—that they had quite satisfied themselves that the arrangement detailed by my right hon. Friend was a fair one, and they accordingly recommended its adoption as a temporary measure, until there had been a further opportunity of going more fully into the matter. On an average of many years back £8 per head has been found to be a fair charge; but, as everybody knows, many additional advantages have of late years been afforded to the soldier, such as good-conduct pay, greater luxuries in barracks, and the like; and on due investigation it was thought that £2 more per head would be the proper allowance for these extra charges. £10 per head on the effective force mustered in India for the charges at home, and £3 10s. as our contribution towards the pensions and dead weight, is, we think, a fair scale. We therefore introduced it for one year, and it is proposed to continue it for another year, subject to further consideration hereafter. This arrangement, I believe, will greatly simplify matters, and be perfectly just both to this country and to India.

SIR FREDERIC SMITH doubted whether £10 per head per annum would cover the whole charge of all kinds for the effective force, and thought that in a matter of so much importance the House ought to have the detailed figures of the calculation placed before it.

MR. DEEDES should like to have more clearly pointed out by what means the British Exchequer was to be so quickly repaid the advances.

SIR CHARLES WOOD observed, that a monthly muster-roll of the Indian army was sent home every month, and payments were to be made once a month to the Exchequer from Indian funds.

MR. DEEDES asked, whether the muster-roll necessarily conveyed the amount required?

SIR GEORGE LEWIS remarked, that if there were 60,000 troops in India, their cost under the arrangement would be known; under the old system the difficulty arose as to striking the balances.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 132; Noes 55: Majority 77.

Question again proposed.

#### NAVAL AND MILITARY EXPENDITURE.

##### OBSERVATIONS.

GENERAL PEEL rose, pursuant to notice, to call attention to the want of control on the part of the House of Commons over the naval and military expenditure of the country. After having given notice of his intention to submit this subject to the consideration of the House, he found that his hon. Friend the Member for Stamford (Sir Stafford Northcote) had taken up the matter and introduced the question to the House. Notwithstanding, however, that fact, and that a discussion arose on the occasion, he thought the subject so important that it could not be too frequently urged upon the attention of her Majesty's Government. It appeared to him that nothing could be more unsatisfactory than the position in which the House, stood as regarded the control of the money voted for the naval and military expenditure of the country. In point of fact, the House exercised no control whatever over this expenditure. They all professed themselves to be advocates of the strictest economy, and he had no doubt those professions were sincere. But what steps did they take to carry them into effect? He could assure the House that the observations he was about to make were dictated by no party feeling, and were not meant to apply to any particular Government, far less to any individuals. If any fault attached, it lay with that House generally for not having exercised a more effectual control over the expenditure. It was true they had always the Estimates before them, and it might be said that the House had the power of reducing the Votes. All he could say in reply to that was, that the exercise of that power involved a degree of responsibility which he for one should be sorry to share. It should be recollected that the Estimates were always proposed on the responsibility of the Government of the day, and that they alone were fully competent to judge of the number of men required during the course of the financial year. He looked upon the Estimates for the Army and Navy as implying to a

*Sir George Lewis*

certain degree a vote of confidence in the Government, and he could not well understand upon what grounds the House could take upon itself the responsibility of refusing them. He did not suppose that any Ministry could remain in office if their Estimates were materially interfered with. It had frequently been suggested that the Estimates might be referred to a Select Committee of the House. To such motions, however, he had been always opposed, believing that it was peculiarly the province of the Government to decide upon them; that the Government alone were competent to form a judgment upon them; and that they were responsible for the number of men necessary to maintain the efficiency of the service, and for the means of providing for them. A Select Committee could not possibly be supposed to possess all the information necessary to guide them to a proper judgment in the matter, and he should be sorry to see the security of the country dependent on an irresponsible Committee of the House. Moreover, he thought it would be anything but promoting a wise economy to authorize those Estimates to be framed by a Select Committee of the House. The main portions of the increased Estimates had arisen from the Resolutions of the House. It appeared to him, that if they delegated to a Select Committee the power of framing those Estimates generally, the result would be a considerable increase in the expenditure of the country. For example, a rule had been laid down with regard to reliefs; namely, that every regiment should be called on to serve ten years abroad and five years at home; but if that rule was fully carried out, they would require a very large increase of men. The House had also approved of the report of the Army Sanitary Commission, which recommended a space of 600 cubic feet to each soldier in the barrack dormitories. Now it was obvious, that if such a recommendation were acted upon, it would involve a great increase of expenditure for further barrack accommodation. The Estimates, as laid before the House, do not embrace all the demands made by the various departments in military districts; they are cut down to the lowest point consistent with the efficiency of the services. Indeed, he thought a larger amount might not only be asked for with a due regard to efficiency, but also on the score of economy. A Select Committee would have great difficulty in resisting a demand for outlay



founded on a Resolution of the House, and based upon the principles of economy. He thought, therefore, we must always be prepared to consider the Estimates as proposed by the Government; and his experience told him there was little hope of materially reducing them, and that it would very rarely be desirable to do so. He thought it most objectionable that they should have Supplementary Estimates. Supplementary Estimates, in his opinion, should always be avoided as much as possible. They deranged the whole financial arrangements of the year, and the Estimates for the year ought to provide, as far as can be foreseen, for the services of the year. There was no objection, as far as he was concerned, to the form in which the Estimates were laid before them. There were, however, grave objections as to the manner in which they were appropriated. He thought that the audit of the expenditure should be expedited as much as possible. It generally took eight months for the audit of the Admiralty Estimates and thirteen months for those of the army. Considering the facilities of communication that now existed, he thought it might be effected within a much shorter period; but be the time sooner, or be it later, he would have the audit of the expenditure submitted to a Committee of that House. That Committee should be called upon to examine the expenditure, and to compare the sum voted with the expenditure, with the view of seeing whether the number of men voted had been actually raised; what money had been transferred from one service to another; and if such transfer had taken place, they should inquire whether the money so transferred had been actually a saving, or merely arose from a postponement of the service for which it had been voted. The adoption of such a course would lead to accuracy in the Estimates and economy in the expenditure far more than by referring the Estimates themselves to a Committee. They had the Estimates laid on the table of the House, and the Estimates of the former year to compare with them. But neither the House nor the Government knew whether the Estimates voted for the former year were sufficient for the purposes for which they had been voted. It would be much better to have the Estimates of the previous year that had been audited before them. [Sir GEORGE LEWIS: The accounts?] He meant the audited accounts. With regard to any

account of the expenditure of the money they would be called upon to vote to night, if any very industrious or inquisitive Member should two years and a half hence—say at the end of 1864—search very diligently in the library of the House, he might then find an audited account of the expenditure of the money voted this year: but, whatever the excess of the expenditure might be, or whatever transfers might have been made from one service to another, he ventured to say he would never be able to attract the attention of the House to it. It would have been met by Supplementary Estimates, by votes of credit, or by transfers of votes; and as the House would not be called upon to vote any further sum in regard to those Estimates, its attention could not be enlisted to the subject. It might be asked, what was the use of a control over expenditure which could not be carried into effect until eighteen months after the expenditure had taken place? He admitted it would have no effect on past expenditure, but it would have the greatest possible effect on the expenditure for the future. The next improvement that he would suggest would be an alteration in the Appropriation Act as regarded the manner in which sums were permitted to be transferred from one service to another. At present the heads of the departments were obliged to obtain the sanction of the Treasury to such transfers. But the Chancellor of the Exchequer told them last year that the Treasury had neither power nor responsibility in the matter; that if the money were there, and was required by one service, it was the duty of the Treasury to sanction the transfer without coming to the House. He (General Peel) did not mean to say that this power of transfer might not be necessary in some cases, but he would leave the power and the responsibility with the Secretary of State or the First Lord of the Admiralty. If, for example, they had more men than they had money to pay, it would be certainly necessary that this transfer should be made. Those transfers, however, never took place until near the end of the financial year, when the Votes were exhausted. But Parliament was always sitting at the time, and the Secretary of State might come for the sanction of Parliament, and not act upon the sanction of the Treasury, for those transfers. If Parliament were not sitting, he might make the transfer; but it should

be imperative on the Secretary of State to report the circumstance to Parliament when it assembled. This system, of course, would only apply to what was voted for the naval and military services. Another improvement he would suggest was, that no service of the past year should be paid for out of the money voted for the service of the present year. Nothing was more easy than to obtain the postponement of the delivery under contracts until after the expiration of the financial year; and then the money so voted for this purpose might be applied to another purpose. The noble Lord the Secretary of the Admiralty gave them an instance the other night, when he told them that a sum of £50,000 which ought to have been paid in the one year became a charge on the next year.

LORD CLARENCE PAGET: It was re-voted in the next year.

GENERAL PEEL: Exactly. He had known a case, not of £50,000, but of hundreds of thousands, which became a charge on the ensuing year; and he doubted much whether they should have heard anything about the matter unless the Government had been obliged to come down to the House for a Supplemental Estimate. He did not mean to say that the money had been improperly expended. On the contrary, he thought that the large outlay for the last few years on the military and naval services had placed those services in a state of efficiency which redounded much to the credit of all the departments. He believed that the expenditure had been most economical—had saved the country the necessity of going to war, and that the state of preparation in which the country had been found had saved us the expenditure of many millions. He did not object to the expenditure that had been incurred, but that the House had not that control over the money voted which it ought to have. For instance, from the years 1858 to 1861, Indian troops were employed in China who had had never been voted by that House, and had never been included in the Estimates. He had the greatest doubt whether the provisions of the Mutiny Act could be applied to men so engaged and not included in the Act. What he meant to say was that the men who had been so employed were employed without this House having authorized such a proceeding. They were paid for in one lump, and no account that he knew of had ever been given to the House of that ex-

penditure. Surely that was not a satisfactory state of things. With reference to the transfer from one Vote to another, he might state that in the financial year 1860-1 the sum of £250,000 was voted for iron-plated ships. No portion of that money, however, was employed during that year for that purpose; the whole was transferred to the expenses of the Admiralty on account of the Chinese war; and that portion of the Vote of Credit which the Admiralty was to have had was transferred to the army in order to meet their expenditure, which greatly exceeded the Estimates. Again, £250,000 was voted this year for the same purpose, to which he understood only a portion of it was applied; another portion had been applied to some other object. Thus the House might go on voting money for a specific purpose over and over again, and it might be transferred to another purpose over and over again. They had nothing to do but to take up the Estimates and look, for example, at the Vote for barracks, fortifications, and civil buildings; they would see how much money had been voted, and how small the portions were which had been expended upon the objects for which it was voted. What had become of the balance? This system ought surely to be put an end to. The House should have a more direct control over the expenditure of the country. He was perfectly aware that those things could be better discussed in Committee than across the table of that House. He should have moved for a Committee if he did not think he should be interfering with a motion of a noble Friend of his (Lord Robert Montagu) which was to come on next week. To that motion, however, shaped as it was, he could not give his assent. If his noble Friend would change the terms of his Motion, and move for a Committee to consider how a more direct control could be given to the House over the expenditure of the country, he should give him his support. He did not profess to be a great economist. He thought that the best economy was true efficiency. Nothing however could be more unsatisfactory than the present position of the House in respect of those matters.

MR. W. WILLIAMS said, it was remarkable what coincidences of opinion were to be found between Gentlemen who were in office and Gentlemen who expected to be in office. The right hon. and gallant Gentleman who had been Secretary for War



justified the extraordinary expenditure for the army asked for by the present Secretary for War. To him (Mr. Williams) the Estimates proposed for the Army this year appeared perfectly incomprehensible, when he looked at the circumstances of the country and compared them with those of former times. The Estimates for the army this year amounted to £15,300,000, independent of the Militia Estimates; and if the latter were the same as last year, it would make a total expenditure for army and militia of nearly £16,000,000. Some expectation had been raised that they should get a reduction of a million. Nothing could justify this expenditure but a preparation for war, and the amount of the present Estimates exceeded the Estimates for the year in which preparations were made for the Russian War. And yet Her Majesty by Her Commissioners had assured the House that her relations with all foreign Powers were perfectly good. An hon. Gentleman (Mr. H. Baillie) had complained that he (Mr. Williams) was constantly comparing the expenditure of late years with that twenty years ago; but the only instance that the hon. Gentleman brought forward to justify the extravagant expenditure into which they had fallen was the increase of our Colonies; but those Colonies had not required an increase of 5,000 men more than they had when the expenditure was so much less. Now, taking the period from 1822 to 1852, the expenditure proposed for the present year was nearly double the largest amount expended in any of those years. In 1830, the last year of the Tory unreformed Parliament, when the Duke of Wellington, the greatest soldier this country had ever produced, was Prime Minister, the amount actually expended on the army was only £7,238,000. In the first year of the reformed Parliament, when Earl Grey was Premier, the amount required was £7,900,000. In another very remarkable year, where one of the greatest Statesmen, as well as the greatest General of the time, was in office—the year 1835—the amount expended for the army was £7,550,000; and in the year 1852–3, the last before the preparations for the Russian war, the army expenditure was £8,540,000—very little more than half what was required this year. The expenditure upon the army and navy which was now proposed would amount to £27,500,000; but if the present Government could carry on public

affairs with the same amount of expenditure as had taken place under the four Governments which he had mentioned, there would be a saving in those services of something like £14,000,000 this year. The amount of force of a military character maintained in Great Britain and Ireland, inclusive of militia and volunteers, but, exclusive of the force in India and the Colonies, was extraordinary. He calculated it at 400,000 men, taking the militia at the number of last year, and the volunteers according to the latest report. In respect of the Volunteers, he regarded that body of men as most valuable. It had inspired a sense of security into the minds of the most timid—the oldest of old women now thought themselves perfectly secure from invasion; and though there was now an attempt in some quarters to throw cold water on it, he believed that it deserved the highest respect and confidence. He wished to know what was the reason of this great accumulation of military force year after year? Invasion by the Emperor of the French was made a bugbear, but he doubted whether any French Sovereign could be named who had had a greater desire than the present Emperor for peace and friendship with this country. In the present Estimates the amount to be expended on the Colonies was astounding—it amounted to £3,718,000 for the army alone; and what was spent, in addition, on the navy for protecting the Colonies, on colonial bishops, on clergy of various denominations, on magistrates, governors, and other officials, increased the amount to £4,700,000; and what they contributed towards that vast sum was no more than £109,000. It was most unjust that the people of this country should be taxed for the protection of communities which would be perfectly able to take care of themselves if they would only follow the noble example which had been set them by the Volunteers of Great Britain. There was a time when the commercial relations between the mother country and the Colonies were reciprocally advantageous. But that had now ceased. The Colonies were now in no way constrained to take their manufactures from this country, but had the liberty to purchase in the cheapest market, and could impose any amount of duty on what might be sent from this country; he knew not that Great Britain derived any advantage from them, except the patronage exercised by Her Majesty's Ministers of appointing the governors; but

he must not be supposed as desiring to sever the connection between the Colonies and the mother country. The fact, however, was, that the only benefit that we derived from them was the patronage, in the shape of governorships, which they placed in the hands of Her Majesty's Ministers for the time being.

LORD ROBERT MONTAGU said, he was sure the House would be thankful to the right hon. and gallant General (General Peel), and also to the hon. Baronet the Member for Stamford (Sir Stafford Northcote) for having called attention to this difficult and important subject. It showed their zeal as financial reformers; because on all hands it was admitted that the Army and Navy accounts were the most correct and the most strictly kept of all the public accounts. That, therefore, was the most unfavourable ground that a financial reformer could take up. The inference which must, however, be drawn from this was, that it required a much less knowledge to make a successful attack on the miscellaneous accounts and the other Estimates. He was, however, not about to enlarge on that point at present, because that was the subject of the Motion that he should bring on next week, in virtue of the notice which he had given on the 11th of February. He desired, however, to remove a few of the prejudices that might be raised in the minds of hon. Members by the speech of the hon. and gallant General. The first thing he said was that he objected to a Committee of that House being appointed for the examination of the Estimates. Now, that had been a constitutional practice of a very old date. Committees had been appointed frequently in former years for the examination of the Estimates, and the right hon. Gentleman the Chancellor of the Exchequer last year said that the only way of meeting the wishes of the House—the only mode of fulfilling the recommendations of the Public Monies Committee—was to appoint a Committee, to be annually appointed in that House, to take into consideration the Army and Navy Estimates. [Mr. PEEL: The Accounts, not the Estimates.] He was nearly certain that the right hon. Gentleman said "Estimates." He was not, however, sure that this was the case. The thing to be considered, the right hon. Gentleman below (General Peel) had said, was whether the audit of the accounts could be expedited, and that ques-

*Mr. W. Williams*

tion should be submitted, and that alone to the Committee. But the first thing, he (Lord Robert Montagu) apprehended, was, to consider whether the audit itself was efficient or was not efficient. Now, if the right hon. Gentleman had read the evidence before the Committee on Miscellaneous Expenditure he would have seen that the Audit Board was a mere delusion, and that they did not really audit the accounts at all. Some of the heads of accounts were submitted to them, and they added them up to see if they correctly added. He (Lord Robert Montagu) did not believe that they even saw the vouchers. Mr. Romilly, the Chief Commissioner of the Audit Board, said that the accounts could not be got from the Secretary for War, and he said that Parliament was greatly mistaken if it supposed that the accounts were efficiently audited. It was useless, therefore, to talk about expediting the audit when that audit was a delusion. They would be only expediting the influence of a delusion. Something should therefore be done to obtain a correct audit of the accounts. The right hon. Gentleman (General Peel) had alluded to a vote of £250,000 for iron ships that was taken in 1859. Now that would show how these things were done. The Minister went down to the House at the end of the session, and was in the greatest hurry for the Vote, which he brought forward in a special Bill. He said the Emperor of the French was building iron ships at such a rate that it was absolutely necessary that we should enter into competition with him, and strive to rival him successfully in that race. The hon. Members for Birmingham and Lambeth both objected, but their objections were overridden, because it was considered that there was no time to be lost in building these ships. What then was the astonishment of the House to find that not a single penny of the vote of £250,000 was expended on iron plated ships, and that all of it was transferred to military stores? Other cases might be cited which were even worse; but he (Lord Robert Montagu) would defer his observations on that subject until his Motion next week, when the whole question would be laid before the House. The gallant General had said he could not support that Motion in its present form. He was sorry for that; and from the speech of the hon. Baronet the Member for Stamford (Sir Stafford Northcote) he feared he



was labouring under a similar intention. He (Lord Robert Montagu) had, he acknowledged, prepared the Resolution without consultation with any Member of the House. He had, however, taken it bodily from the report of the Public Monies Committee. He therefore was not responsible for the terms of his Motion, and he really would not like to change it unless the House expressed a strong opinion on the subject. There had been frequent promises of financial reform from the other side of the House, but there had never been any fulfilment, nor any steps taken towards that end. In 1859 there were empty promises of financial reform; in 1860 there were similar promises of financial reform, and in 1861 they had two such promises. On the 8th of February the Chancellor of the Exchequer came down to the House and said that the only way of meeting the wishes of the House and of fulfilling the recommendations of the various Committees, was to appoint a Committee annually; he moved for the appointment of such a Committee, and promised the House, that if that Motion were granted, he would then move that the appointment of that Committee should become a Standing Order of the House. That promise had never been fulfilled to that day. He (Lord Robert Montagu) thought it rested with the independent Members on the other side of the House—Members who professed so much to their constituents, and were so lavish in promises to restrain the reckless expenditure. This was growing worse and worse every year, and he (Lord Robert Montagu) rejoiced when he heard the speeches of the two right hon. Gentlemen, because, as there had been plenty of empty promises from the other (the Ministerial) side, without performances, they were going now to get performances on that (the Opposition) side of the House even without any previous promises.

SIR GEORGE LEWIS: The speech of the hon. Member for Lambeth (Mr. Williams) in favour of limiting the expenditure for the defence of our Colonies might advantageously have been reserved until to-morrow, when a special Resolution upon that very subject will be submitted to the House. As to the remarks of the right hon. and gallant Member for Huntingdon (General Peel) upon the general question of the control exercised by this House over the Army and Navy expenditure, I can only express my opinion that

if he investigates the matter more closely he will find that many of the defects he believes to exist are imaginary, because there can be no doubt that, as far as the army and navy are concerned, the check of this House is very complete. The speech of the gallant Gentleman may be regarded as a sort of epilogue to the proceedings of the Committee on Public Monies which sat two years ago, and of which I had the honour of being a Member. Our object was to assimilate the practice with regard to the Civil Service Estimates to the practice with regard to those for the army and navy. It was admitted that the practice in the Army and Navy Estimates was, as far as the check of this House is concerned, almost perfect, and the difficulty was so to arrange the votes of the Miscellaneous Estimates as to bring them under the same rule. That rule is, if the money voted is not expended within the year the power of expenditure granted by the Vote ceases. For instance, if £100,000 is voted this year for a barrack, and it is not expended before the 1st of April next, the power is gone, and the War Department cannot spend the money until it is revoted by this House. When the year has passed away, and all the payments made within it have been calculated together, the expenditure is audited—for it then becomes an account, and not an estimate. The noble Lord who spoke last (Lord Robert Montagu) said the Government were guilty of a breach of faith in not moving the re-appointment of a Committee which sat last Session. [Lord ROBERT MONTAGU: In not making it a Standing Order.] I know nothing about a Standing Order. I believe it is the intention of the Chancellor of the Exchequer to move the re-appointment of that Committee, and then the audited accounts for the army and navy can be referred to it. But let the House observe the great distinction between an audited account and a payment upon estimate. All the payments made by the Government in the course of a year are in the nature of cash payments founded upon the authority of this House. When payments are made they become matters of account, and then they are audited by the Board of Audit. It has been said that some payments have been made for service in China in excess of the Votes of this House. My firm belief is, that the Executive Government never does make any payment in excess of the Votes

of this House. If it does, it is certainly liable to impeachment. It is possible—though I have no personal knowledge that the fact is so—that some regiments on the Indian establishment may have been serving in China, and their pay may have come out of the Indian treasury. It is also possible that their pay may have come out of the Vote of Credit for China; but that any English regiment serving in China should have been paid without the authority of Parliament I hold to be utterly impossible, and I venture to affirm that the statement which has been made rests upon some delusion or misapprehension. The House may be assured that no Executive Government, to whatever party it may belong, ever knowingly makes any payment in excess of the Votes of this House. There may be wasteful expenditure—expenditure over which the Government has not sufficient control from the distance at which it is incurred, or from some other cause; and I am afraid, indeed, that when hostilities are going on no Government can find means of preventing undue expenditure. It is impossible at such times to hold the purse-strings quite close. I appeal to any Gentleman who knows what expenditure in the field is, whether it is possible to exercise a strict Parliamentary control over it; but that any executive department knowingly sanctions any payment in excess of the Votes of this House I do not believe, and I feel satisfied that if any such case appears to exist it will be found upon investigation to be a mistake. Having made these remarks, I trust the House will now go into Committee of Supply.

SIR HENRY WILLOUGHBY believed the right hon. Gentleman was in considerable error as to the impossibility of troops being employed without the cognizance of Parliament. It would be found that during the Chinese war a regiment had been employed through the agency of the Commissariat chest.

SIR GEORGE LEWIS thought that the hon. Baronet must be referring to native Indian troops.

SIR HENRY WILLOUGHBY: Precisely.

#### TROOPS FOR CANADA.—QUESTION.

MR. DARBY GRIFFITH said, it would be recollected that in the early part of the disturbance in America a question arose how far it would be our duty to protect

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our possessions in Canada. Upon that point different views were expressed. At length the Government sent out a reinforcement of troops by the *Great Eastern* and other vessels. On the 24th of June, however, a question was put to the Government, and it was supported by high authority from this side of the House, strongly condemning their proceedings in this particular. He was startled at the time to hear some of the expressions which were used, echoing the opinions expressed by a portion of the press. Condemnation of the Government was profuse for having sent out troops in such numbers at such a time, and in such a manner, which was said to be such as would be highly offensive to the American people. Since that time, however, he had understood that the Governor General and the Commander-in-Chief of the Forces had applied for large reinforcements, 10,000 or 12,000, for Canada. The probable expediency of that demand was elucidated by the *Trent* affair; and no doubt it would have been a great relief to the country had it been known that so large reinforcements had been sent out at a time when they would in a great measure have escaped the dangers incurred at a later period, and that such a body of troops were already in that country, prepared to resist any attack made upon the independence of Canada. He wished to know whether such applications as he had stated had been made to the Government by those responsible for the safety of Canada, and what effect the sentiments expressed in that House, and by some portion of the press, had made on the proceedings of the Government in that particular? The hon. Member then put the Question of which he had given notice, Whether the Governor General of Canada, as well as the Commander-in-Chief of the forces there, did not apply to the Government last summer to send out a body of troops to Canada considerably larger than that which was actually sent at that time; and, if so, why they did not more fully comply with that requisition?

SIR FRANCIS BARING said, he had a few words to address to the House in reference to the Army and Navy Estimates. He believed that the House of Commons possessed ample power of controlling those Estimates, if they would only exercise it. The late Mr. Hume, without one-half of the information which was at present laid before Parliament, was able to control the public expenditure; and if he (Sir Francis



Baring) wanted to show that it was the fault of the House itself that that control was not at present exercised, he need only refer to the state of the benches around him. He wished also to take that opportunity of suggesting to the Chancellor of the Exchequer the propriety of reappointing at an early period the Public Monies Committee of last Session, so that its Members might be enabled to go fully into the numerous details which would come under their examination. He would further recommend that the right hon. and gallant Gentleman who complained that the House had not sufficient control over the public expenditure should be nominated a Member of that Committee.

VISCOUNT PALMERSTON: In reply to the question put by the hon. Gentleman (Mr. Darby Griffith) I have to confirm what he stated—namely, that the reinforcements which Her Majesty's Government thought it right to send to our North American provinces in the course of last summer were represented by Gentlemen on that side of the House as useless, injurious, and impolitic. It was said they ought not to have been sent. I believe that opinion is not now very much entertained. It had been the wish of the Government to send out at that time a larger number; but, so far from that larger number having been asked for by the colonial authorities, it was in consequence of the representations made by the Colonial authorities that the sending of that larger number was for the time suspended; therefore it was not at all owing to any want of foresight on the part of the Government that a larger number was not sent at the time; but, as it happened, I believe it was rather fortunate that we did not send that number then, because I think those who have watched the progress of late events must have seen that the energy and rapidity with which a very large force was despatched to Canada in the middle of winter, in spite of all the difficulties that naturally opposed themselves to such a proceeding—that display of promptitude, of vigour and power, on the part of this country, I am convinced tended very greatly to the peaceful and satisfactory solution of the recent difficulties between this country and the United States.

LORD WILLIAM GRAHAM said, that last year, in Committee on the Army Estimates, he had called attention to the difficulty of ascertaining the sum total required for any particular colony. He begged to thank the right hon. Gentleman

the Secretary for War for the change he had made in that matter in the present Estimates, in which the military charges for each colony were separately set forth. But he would suggest to the right hon. Gentleman that he might make a further improvement in that case if he would give, under each head, the component items of each sum total, so that hon. Members could see what was the outlay incurred in a colony for men, or for fortifications, or for any other source of expenditure.

SIR GEORGE LEWIS said, that it had been in his consideration whether under each colony the amount should be given, distributed through the various particulars which made up the Army Estimates. But the items in many cases were so small that the House would be rather perplexed than informed; and the real question of importance was to give the sum total for each colony. Of course the noble Lord could have the information he desired, if the House wished it, in a Supplemental Estimate.

Main Question put, and *agreed to*.

#### SUPPLY—ARMY ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

SIR GEORGE LEWIS: Mr. Massey, although we make annually a constitutional protest against the institution of a standing army—although we annually recite in our Mutiny Act that it is contrary to the liberties of this country to maintain a standing army without the consent of Parliament, still I think that this protest must be considered as a constitutional fiction, and that we must regard an army as belonging to the permanent institutions of the country, not less than the navy, or the machinery for the collection of the revenue. It is, indeed, true that the existence of our army is dependent upon the annual vote of Parliament; but no one doubts that this vote will be cheerfully given, no one wishes that the continuity of the army—I mean that system of organization and discipline which can be attained only when the army is maintained in a permanent form—should be destroyed. It is, moreover, true, not only that we have a standing army in substance, but that it is one of the most expensive of the institutions which we maintain. For I find that, taking the total expenditure of the country at its present amount—about £70,000,000 per annum, of which sum £26,200,000 may be

referred to the payment of the interest on the National Debt—the cost of the army alone amounts to £15,302,000; and taken together with the militia, to £16,250,000: leaving for all the other branches of expenditure the sum of £27,550,000. So that the expense of our army and militia is about £16,000,000, as compared with £27,000,000, the remainder of our total expenditure, *minus* the interest on the National Debt. The Committee will therefore perceive that in voting the Army Estimates they deal with a very large portion of the expenditure of the country which is within the control of the House of Commons. It is quite true, as my hon. Friend (Mr. Williams) has already pointed out, that this expenditure has increased of late years; and in moving the first Vote of the Estimates now on the table—the Vote embracing the number of men required, and therefore substantially determining the character of the whole Estimate—it will be my endeavour to furnish the Committee, so far as I am able, with an answer to these questions:—Why have Army Estimates increased of late years? and why have they reached the sum of £15,302,000, which is the amount to which it is my duty to ask the Committee to assent in the present Session? Now, I can, I think, without occupying to any unreasonable length the time of hon. Members, supply them with an answer to those questions; and I hope I may be able to do so without troubling them with any great amount of details or figures, which are, I am aware, always distasteful within these walls.

In order to make the point with which I propose to deal clear, I will ask the permission of the Committee to go so far back as the year 1789—the year in which the great French Revolution broke out. In that year the total number of men voted for the British and Irish establishments—the two establishments were then separate—was 43,395; while the total sum voted for the Army, the Ordnance, and the Commissariat was £2,981,000—that is to say, £2,428,000 for Great Britain and £553,000 for Ireland. Not quite £3,000,000, therefore, was the entire amount of our expenditure for military purposes in the first year of the French Revolution. Well, as the Committee is aware, we embarked shortly after in a great war which lasted many years; on which the existence of this nation depended; which was prosecuted

on a gigantic scale against the power of Napoleon, both by land and sea; and which rendered it necessary that our military organization should be developed to the utmost, and that every nerve of the country should be strained for the purpose of increasing our army to the highest point which its finances could bear. Now, I am anxious to call the attention of the Committee to the effect which the existence of war has upon the numbers and expense of the army. In the year 1819 the number of men in the army had risen to 88,682. That is to say, the number of men had risen to about double since 1789. The total amount of the Estimates in the year 1819 for the army, including the Ordnance and Commissariat, was £10,035,127; so that the number of men in the army had increased from 43,000 in 1789 in consequence of this great war to 88,000 in 1819, and the military expenditure from about 3,000,000 to about £10,000,000. In that position our army remained without any material alteration till 1852. Before referring more particularly to that year, I may perhaps be allowed to give a correct statement to the Committee of the Votes for the army, including all the items, for the year 1832. In 1832 the number of men voted for the army was 97,949; the total amount of the Estimate was £8,399,700: so that, as you will perceive, there was no material difference between this year and the year 1819. I now come to the year with which I propose to institute a comparison—the year almost immediately preceding the Crimean war—the year 1852-3. In that year the number of men asked for was 119,519; and the total estimate for the army, including the Ordnance and Commissariat, was £9,021,394. I wish the Committee to observe that in consequence of the French war, which began in 1793 and ended in 1815, our military expenditure underwent a great increase, and thence remained tolerably stationary till the year preceding the Crimean war. There is no doubt that the deficiencies of our military system, as disclosed by the events of those wars, led to a considerable increase in the amount of our army, and in the expense of our establishments. This is shown by a comparison of the number of men to be voted in the present year, 145,450, and the amount of money, £15,302,870, with the figures which I have stated for the year almost immediately preceding the Crimean war.

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The lesson, then, I think, which this comparison teaches, is, that as the French war brought about a great development of our military system, showed the deficiencies under which our army then laboured, and, as a consequence, caused a great increase in the charge for the army; so the Crimean war produced similar results, and has led to a permanent increase in the cost of our military system, both by making a permanent addition to the strength of the army and also by rendering necessary certain improvements intended to provide for the efficiency of the army, to which I shall call attention. There is, however, another circumstance to which I must advert in accounting for the increase in our military system since the commencement of the Crimean war—the change that has taken place in the political institutions of France. All persons, I think, who are conversant with the sentiments of those who occupied a prominent place in public affairs during the first fifteen years of this century will admit the predominant object of their policy to have been, so long as they exercised any control over the affairs of the State, to promote the maintenance of peace. They had lived through a period of most disastrous warfare, and the great object of all the Statesmen of that generation, both in this country and on the Continent, was to multiply and strengthen the securities for peace, and to contribute to its permanence. Since that time, however, a generation has grown up which has no personal recollection of the wars of the French Revolution and the Empire. Moreover, the restored dynasty of France was from its origin naturally attached to a pacific policy. Its members owed their throne to the assistance of the other Powers of Europe; its security was to be found, to a great extent, in the support of the rest of Europe; and the last thing that was to be expected from the restored Bourbon dynasty was that it should revive the wars of the French Empire. But as soon as a Bonaparte dynasty was restored in France, the ideas of the Empire naturally revived. I do not for a moment doubt that the policy of the present Emperor, as far as that policy depends upon his own independent wishes and his own individual opinion, is essentially a pacific policy, and that he is well inclined to maintain a cordial understanding with this country. But it is to be remembered that he lives in the midst of a population governed by opinions

which the restoration of his dynasty has set in motion; that such books as the history of M. Thiers naturally have great influence in that country, and that the idea of restoring the natural boundaries of France as they existed under the Revolution, and as the Empire found them, may not unnaturally be pressed with great force upon the Imperial mind. My own belief is that we have nothing to fear from ill-feeling on the part of the Emperor of the French towards this country. On the contrary, my conviction is, that we have every reason to expect from him good wishes and cordial relations with this country. But we must bear in mind the opinions and circumstances by which he is surrounded, and prudent statesmen must guard against possible dangers, which must be admitted to be not without foundation. Looking to the alterations in the state of Europe, and looking at the great extension which our military system received during the Crimean war, I find an explanation of the increase which has taken place in our military establishments. I think the Committee when they come to examine the details of these Estimates—large, no doubt, as the sums which compose them are—will not come to the conclusion that they are larger than the interests of the country demand.

Having attempted to explain the general foundation of these large Estimates, I will now proceed to show that there are certain circumstances which make their apparent amount larger than their real amount. In the first place, there have been some charges brought into these Estimates for the first time. For the first time the charges for the Indian depôts and recruiting for the Indian army appear in these Estimates. Therefore, that increase is apparent and not real. The total amount of repayments, which are estimated to be received during the year from the Indian Government—it is only an estimated amount, we do not know the exact figures—is nearly a million, or £985,500. A part of that sum has been previously set off in the shape of repayments for non-effective services; but the whole of the repayments for the effective service, which are estimated to amount to about £730,000, appear for the first time as a set-off against this sum. If from the total of £15,302,000 you deduct £730,000, the expense in India for the first time introduced, it leaves a real amount of £14,572,000. That sum, the Committee

will perceive, is rather less than the Estimates of last year, without the Supplementary Estimate, and considerably less than the expenditure of the last year upon the two Estimates combined. But to make the comparison fair, I must allow about £500,000 for additional expenses in Canada, which will have to be incurred in consequence of the recent expedition, which are included in these Estimates, and which will not come in course of payment before the 1st of April. In addition to that, there is a sum of £170,000 for New Zealand, not included in last year's Estimate, and there will be about £50,000 for China, which last year was included in the Vote of Credit. If we make allowance for the repayments by India and deduct the extraordinary expenses for New Zealand, Canada, and China, these Estimates exhibit, in fact, a reduction upon those of last year of about £650,000. Therefore, although, no doubt, these Estimates are large and exhibit a considerable increase as compared with those of the year immediately preceding the Crimean war, yet they are not by any means extravagant Estimates as compared with those of last year; and, in fact, after making the allowances I have mentioned, we have a reduction of about £650,000.

Now, Sir, having explained the financial part of the case, I will state what is the number of men proposed. In the first place, I will explain the present distribution of the army. It is material that the Committee should know how our army is distributed, because much depends upon that distribution. Our army is essentially unlike the armies of Continental States, which have no foreign possessions; for a large part of it is permanently abroad, and the wear and tear thereby created is very considerable. Instead of comparing our army with that of Prussia, for instance, it would be fairer to compare our Militia with the Prussian army, because it is not subject to the destructive influences upon health which are necessarily entailed by services performed and hardships endured in the East and West Indies, succeeded by a removal to North America, and the vicissitudes of climate to which our regular troops are exposed. There is also another important consideration to be borne in mind. The number of men may appear very considerable, but a large proportion is always abroad, and, therefore, the number of men in the United Kingdom is much less than might be expected from the large

numerical amount of our army. The number of men of all arms in the United Kingdom proposed for the year 1862-3 is 81,614, and including the Indian depôts 89,238. The number of men in Europe forming our Mediterranean garrisons is 17,008; in Asia, excluding India, 8,185; in our African possessions, including the islands, 7,233; in America, 24,389 (that is larger than usual in consequence of the forces recently sent out); in Australia, without New Zealand, there are 1,234 men; in New Zealand, 3,965; and in India, 75,899—but this number will shortly be reduced. The total number of men, therefore, including India and the Staff, is 228,973. The Committee will immediately see, from the large number of stations in which our army is distributed, how great is the difficulty in making any considerable reduction in the number of men. We propose this year, in consequence of some additions to our settlements upon the coast of Africa, to add a fourth West India regiment. The manner in which this addition has been made is this:—The three West India regiments already in existence have been reduced from ten to eight companies each, and the additional cost of the new arrangement is not considerable; in fact, it is an economical arrangement, although it does produce some increase in the Estimates and in the number of men. But, inasmuch as it is proposed to reduce the army, as recruiting has been stopped since last autumn, except for a short time during the alarm of war, and has now ceased, the number of men will be diminished, and the Committee will see that the total number of men proposed this year is less than the number proposed last year. There is one part of the Estimates which may excite some remark, and that is the increased expense for the Staff. I dare say many hon. Gentlemen will say, "Oh, this is a proof of the improper influence of the Horse Guards, who are always wishing to increase the Staff." I think I can satisfy the Committee that there has been no real increase in the Staff, with the exception of a small addition made to the medical staff for the Canadian reinforcements. It was thought desirable to send out to our North American colonies some additional medical officers, whose services might prove useful to our troops in the unfortunate event of war occurring. There were, therefore, 10 officers added to the medical staff. That

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is the whole of the actual increase to the Staff; the rest of the apparent increase, as I will explain to the Committee, is merely nominal—230 officers have been transferred from Vote 7 to the Military Store Staff. Formerly the Store officers had not commissions; but now they have military commissions, and are staff officers who appear on the list. Then there are 64 officers, non-commissioned officers, and men belonging to the School of Gunnery, whose regimental pay used to be included under Vote 2; there is no difference in their pay now, and as they were previously provided for, there is no difference in the Estimate. Then there are 164 officers, non-commissioned officers and men belonging to the Schools of Musketry, whose pay is taken under Vote 15, but the numbers have not hitherto been included in Vote 1. Next there are 45 officers, non-commissioned officers and men of the cadet company. There is then an addition of 152 officers, non-commissioned officers, and men on the staff of dépôt battalions, hitherto provided for by the Indian estimates. Hitherto provision in the Army Estimates has been made only for the dépôts of regiments on the British establishment; but in consequence of the dépôts of the Indian establishment being brought into the Estimates it is necessary to include these officers. These together make an aggregate of 665, but I deduct 65 who were formerly included regimentally, although not in the staff, leaving a total of 600. The Committee will therefore see that, though this increase appears very formidable, it is nothing more than a question of account, and constitutes no real addition.

I have already stated that the increase to our present Estimates since what I may call the pre-Crimean period, may be taken in round numbers as an addition to the strength of the army of about 25,000 men, and an additional cost in money of about £5,000,000 sterling. I compute that about half of that increase of £5,000,000 is due to the increase of the strength of the army. If you were to reduce your force by 25,000, you might produce a saving of about £2,500,000. But beyond this £2,500,000, there is an increase of an equal amount since the Crimean war which is still unaccounted for. It is my business, therefore, to account for that increase. The cause of it is to be found in the additional expense which has been incurred since that period for the improved armament of the army, for the

augmentation in the provision of stores and munitions of war of all kinds necessary for the efficiency of our troops, and also for the increased outlay in promoting the health, comfort, and efficiency of the private soldier. I believe that under these heads we may divide all the sources of the recent increase in our military expenditure. In the first place, it is not the fact that any increase has been made in the pay of the army. Upon a comparison of the pay of some of the principal branches of the service as it was in 1853-4 with that of the present year it will be seen—confining ourselves to the first Vote for pay and money allowances—that there is scarcely any difference since 1853-4. I will give the Committee a comparative statement, taking the total number of men and dividing the first Vote by that number. The pay and allowances per head in 1853-4 was—Life Guards and Horse Guards, £57 12s. 3d.; whereas in the present year they are to have £58 9s. 4d. per head. The Cavalry of the Line received in 1853-4 £42 10s. 4d., and in 1862-3 they will receive £33 0s. 11d. The Foot Guards in 1853-4 received £36 7s. 3d., against £32 16s. 2d. only in the present year. The Infantry of the Line in 1853-4 received £26 12s. 5d. per head against £27 1s. 11d. this year. These figures, I think, conclusively show that, whatever may be the increase of expenditure, there has been little or no increase in the pay and allowances of the Army. But, though that is the case, the condition of the Army on the whole has, nevertheless, been improved, as I will shortly prove to the Committee. One cause, as I have already stated, of the increased expenditure has been the new establishments of different kinds connected with the Army. In the first place, since the Crimean war the military train—an entirely new body, for the transport of baggage and provisions—has been created, as have also an army hospital corps and a Commissariat staff corps—both of them totally new establishments; while a great addition has, likewise, been made to the Commissariat and Medical Staff Officers. The Purveyor's department, too, has been almost entirely organized since that date. These are important branches of the Army, tending materially to promote its efficiency when in the field, but, of course, adding to its expense. They are not of a nature to attract much public attention, but, nevertheless, are eminently serviceable when the unfortunate necessity of a recourse to

war arises. Another new source of expenditure which has been opened since that time is the creation of camps of instruction at Aldershot, Shorncliffe, Colchester, and the Curragh, and the formation of schools of musketry at Hythe and Fleetwood, and a school of gunnery at Shoeburyness. The cost of the establishment of these camps and schools of instruction, excluding that at Shoeburyness, has been upwards of £1,000,000 sterling, and their annual cost must be taken at least at £100,000. I believe that all military authorities are united in the opinion that the existence of these camps of instruction adds greatly to the efficiency of our army and to the facilities for training it in time of peace so as to be ready for service in time of war, which, let me observe, is, after all, the great object of a military system. Your object is, that when war breaks out you should not be found unprepared; that you should not be driven to those expedients which we see attended with so much public inconvenience, and which have also entailed an enormous expense upon a kindred State across the Atlantic, when it has been called upon suddenly to make vast military preparations. In addition to our camps and schools of musketry I have to mention the manufacturing departments, which have now attained a very great extension. I do not know whether many Members of this Committee are acquainted with the establishments at Woolwich; but hon. Gentlemen who are conversant with them must, I think, be persuaded of the immense power which these establishments confer on the country of making preparations to be useful in time of need, and will appreciate the enormous facilities they afford for producing a great amount of serviceable stores at a short notice. Besides the factories at Woolwich we have the small-arms department at Enfield, the clothing branch at Pimlico, and some other minor establishments to which it is not necessary now more particularly to refer. These manufactories are conducted on a scale far exceeding that of private manufacturers. At Woolwich there are at present steam-engines furnishing altogether about 7,000 horse-power; and the number of workmen and mechanics ordinarily employed is no less than 10,000. I must say that, although I entered the department without any prejudice in favour of Government manufactories, my experience has convinced me not only of the great effi-

ciency of the system as at present conducted under the War Office, but, upon the whole, of its economy. There is no doubt that by means of Government manufactories you can always be certain of the result, which never can be the case where the articles are furnished by contractors; and, after a careful investigation of the relative cost, my belief is that their economy is quite equal to their efficiency. I do not say that the system of employing contractors should be altogether discarded, because it is useful for the guidance of the Government itself that a partial supply from private manufacturers should be kept up as a check on their own establishments. A mixed system is, therefore, desirable; but I repeat my firm belief, that the great works now carried on at Woolwich are no less economical than they are efficient, and that if you wish to have a resource upon which you can rely under all circumstances, a large proportion of your work must be done in the Government factories. Another great addition to the cost of our military system lies in the change of small-arms which has been going forward of late years, and which is not yet completed. The whole of our army has, in fact, been re-armed of late years. The old musket has been discarded, and the Enfield rifle substituted. We have, moreover, furnished Enfield rifles to the Volunteers and Militia, and recently we sent out a considerable number to Canada. This change has not been effected without considerable expense, and, as the process is still going forward, the expense has not yet been completed. In addition to this new supply of small-arms there has been a complete change in our system of iron ordnance. We have to a very great extent introduced the Armstrong gun. We have supplied our garrisons in the Mediterranean, and to a certain extent garrisons in other parts of the world, with that arm; we are gradually supplying the fortifications of this country with the same important engine; and our field artillery has been entirely put in possession of it. Considering the great expense of these new weapons, I think the Committee will see that the operations I have detailed furnish to a considerable extent an explanation of the increased cost of the Army Estimates. There is another point which is often lost sight of when we compare the Army with the Navy Estimates. When Gentlemen complain of the great amount of the Army Estimates, and point out that the

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Admiralty is much more moderate in its demands than the War Office, it must be remembered that the War Department is at present a composite Department, embracing the duties of the former Board of Ordnance, and charged with the manufacture of guns as well for the navy as for the army. These warlike stores are furnished to the Admiralty on their requisition, and no part of the cost of those articles appears in the Navy Estimates. If the Committee will refer to Vote 11 they will see the warlike stores for the navy put down at £801,309, to which must be added £221,976 for wages, making a total of £1,024,285. Guns, gun-carriages, ammunition, small-arms and ammunition, rifles, swords, cutlasses, and boarding pikes—all these articles are furnished to the navy by the War Department. In order, therefore, to arrive at the precise expenses of the navy as compared with the army, you ought to deduct £1,000,000 from the Army Estimates and add that amount to the Navy Estimates. I have not the least objection to the present system of keeping the accounts or of furnishing the navy; I do not complain of the existing practice or wish to see it altered; I am merely anxious that the Committee should truly understand the nature of the expenditure. Then there has been of late a great increase in the charge for gunpowder. As everybody knows, gunpowder is rather an expensive material to burn, and the quantity of gunpowder yearly consumed in infantry practice—which is entirely new—is very large. A great consumption also takes place in experimenting with large guns at Shoeburyness. A day or two ago experiments were tried with Sir William Armstrong's new 300-pounder. I do not know what each explosion cost, but I am aware that in the aggregate it reaches a very large amount. Volunteers are also supplied with ammunition by the War Department, and of course all these items inflate the charge for gunpowder. The Committee, probably, will not wish me to go through the details of this Vote; but I may mention that there is also an increase for timber and miscellaneous items, in consequence of the multiplication of stores which modern science has suggested for the use of our army, and which we must provide for our soldiers if we would place them on a footing of equality with other armies, with which we may have to contend. And here let me remark that

military science, though invaluable by reason of the discoveries which it makes for perfecting the mechanism of war, nevertheless entails very heavy expenses on the Government, which is forced to follow all the changes of weapons, and adopt all the latest improvements in gunnery, fortification, and the different other branches of military art. As soon as one improvement has been introduced, it is superseded by another, which the Government is pressed to adopt. At this moment there is a large body of persons who think that the Enfield rifle ought to be discarded, and the Whitworth, or some other rifle, substituted. Everybody must feel that so expensive a question ought not lightly to be entered on; but even greater expense would have to be encountered if the progress of military science should threaten to put our army on a footing of decided inferiority by the adoption of some new and improved arm. Consequently, the Government has often to make a choice between incurring great expense and the possible disapprobation of the House, or allowing the army to remain in a state of inferiority to others.

I believe I have now put the Committee in possession of the general outlines of the increased expenditure upon those branches which are intended to increase the efficiency of our army as an engine of warfare. But many improvements have also been introduced with a view to ameliorate the social, moral, and sanitary condition of the private soldier. In the first place, much expenditure has been incurred for the sake of enlarging and improving barracks, and in giving effect to various recommendations of this House with respect to barracks themselves and the hospitals connected with them. I am happy to say that these efforts have not been unattended with important results, as will appear from authentic returns of the mortality in the service. These have been prepared by Dr. Gibson, the Director General of the Medical Department; and I believe they are perfectly authentic, though it certainly is difficult to believe that so great a change can have taken place in a limited period. It is possible that the greater youth of some portions of the army may to a certain extent affect the returns; but I believe the difference is mainly to be explained by improvements in the sanitary conditions under which they are now called on to serve. The return is confined to troops

serving in the United Kingdom, and gives the average annual results of two several periods. During the first period of observation, the years 1830-6, the number of deaths per 1,000 for the Household Cavalry, in the course of each year was 14; in the last period of observation, the years 1859-60, the mortality was only 6 per 1,000. In the cavalry of the Line, for the first period the mortality was 15 per 1,000; last year it was only 7 per 1,000. In the Royal Artillery, for the years 1830-6 the deaths were at the rate of 15 per 1,000; in 1859-60 they were only 6 per 1,000. The mortality in the Foot Guards was, in the same manner, 21 per 1,000 in the former period, and 9 per 1,000 in the latter. For infantry of the Line, the first period of observation having been 1836-46, the deaths decreased from 18 per 1,000 to 9; in 1859-60. I have similar returns from the colonies. The two periods of observation are 1837-56, and 1859-60. For the first period there died at Gibraltar 13 per 1,000; for the last 9. At Malta the diminution was from 18 to 14 per 1,000; in the Ionian Islands, from 16 to 10; in Bermuda, from 35 to 11; in Canada, from 17 to 10; in Jamaica, from 60 to 17; at Ceylon, from 39 to 27. I have other returns from other colonies. I believe they are authentic, and certainly they show that a very considerable amelioration has been effected in the sanitary condition of the soldiers through the increased efficiency of the medical department. These results are very encouraging for future attempts in the same line of improvement. Then there has been an increase of expenditure, not only for hospitals and barracks, but also for hospital furniture. Also, in consequence of a recommendation of the Royal Commission, there is a considerable addition to the charge for clothing. The clothing has been improved, and that, of course, will lead to the increased comfort and health of the troops. The stoppages for bread and meat during illness have been abolished, while there is an additional charge for light and fuel in hospitals. Generally speaking, it may be said that all the medical departments of the army have been increased. The staff has been enlarged, and consequently there is an additional expenditure. The good-conduct pay has likewise been increased, the period of service after which a soldier is entitled to good-conduct pay has been

diminished from five years to three; and that, also, has brought an additional charge on the Estimates. Then there has been an increased allowance to the married soldiers, and more advantages have been given to soldiers of that class. I may say, in regard to the wives of soldiers, who generally received a ration of provisions when they accompanied their husbands to the colonies, that the married soldiers were not accompanied by their wives in the expeditions to China and Canada; in the former case because of the distance and other circumstances, and in the latter because of the cold; but an allowance has been made to the women to make up for the loss which they sustained; and I think the Committee will be of opinion that this allowance is a fair and proper charge. I may mention some other matters which have tended to the improvement of the troops. One is the establishment of permanent chaplaincies. Previously to two years ago there were no permanent chaplains attached to the regiments. There are now permanent chaplains of the three denominations—the Established Church, the Roman Catholic, and the Presbyterians. Some expense has also been incurred in assisting Soldiers' Institutes.

The items that I have gone through will substantiate what I have already stated—namely, that a great increase in the expenditure of the army has taken place of late years—partly for providing arms, munitions, and other warlike stores, but also for providing those improvements which will tend to the increased comfort and health of the soldier. Putting those two branches of expenditure together, I think the House will easily understand how the two millions and a half to which I alluded has been spent. The increase is made up of heads which though, when taken separately, are not of large amounts, are, nevertheless, very onerous when taken as a series of additional charges.

Besides those causes of expense, I may mention the Volunteer force which has grown up within the last few years, and for which a Vote is taken in these Estimates. The expense of this force is not, however, merely that which is put down under the head to which I refer, because the Volunteers are supplied with arms and ammunition, and expense is thereby thrown on the War Department. Moreover, there is the correspondence connected with the Volunteer force, which is considerable, and

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necessitates an increase in the establishment of the War Office. In alluding to these matters, I wish to guard myself against saying anything that would seem to throw a doubt on the public utility of the Volunteers, or that would indicate any want of gratitude for the service which they have rendered to the country; but in going through the different items of the increased expenditure it is necessary that I should call attention to the Volunteers.

I believe, Sir, I have now touched on the principal Votes. I will merely state with regard to the Vote for the scientific branches, that when it is moved, I will give some explanation; but in reference to what took place last year, I am desirous of observing that the Government do not require that any person entering the army should pass through Sandhurst, except those who are to receive commissions without purchase. The Committee are aware that a considerable number of non-purchase regiments have been added to the Indian army—nine infantry and three cavalry regiments. Provision has to be made for the whole of the officers who are to receive commissions in those regiments. Therefore, it is necessary to propose an additional Vote for Sandhurst College; but it is not intended to make any change, except to require that persons obtaining commissions in non-purchasing regiments should pass a year at Sandhurst. When the Votes are moved, there will be an opportunity for hon. Gentlemen to ask for explanations; but whatever objections may be made, or whatever explanations asked as to particular points, I trust it may be considered that these Estimates rest on the solid foundations of economy and public usefulness, and that they are not, in fact, excessive when properly understood. The Committee will see that there has been a considerable reduction on the Estimates of last year, and that our army charges could not be further reduced with a due regard to our national defences, and to the position which this country ought to occupy.

(1.) Motion made, and Question proposed,

“That a number of Land Forces, not exceeding 145,450, exclusive of the Men employed in Her Majesty’s Indian Possessions, Commissioned, and Non-Commissioned Officers included, be maintained for the Service of the United Kingdom of Great Britain and Ireland, during the year ending on the 31st day of March, 1863, inclusive.”

COLONEL SYKES asked, why so many

as 318 officers were maintained at the depôts of regiments serving in India, now that the number of men had been so greatly reduced?

SIR FREDERIC SMITH asked, why no decision had yet been come to by the Indian Government as to the strength of the artillery force to be maintained in India, and also why the number of horses was not stated in the Estimate?

SIR GEORGE LEWIS said, that the Staff establishment for the Indian depôts was no doubt large, but it was a matter of arrangement between the War Office and the Indian Department. As to the artillery, the Exchequer had its limits, which could not be exceeded, and it was not thought expedient to increase the artillery force, though no doubt it was a very valuable arm of the service.

GENERAL PEEL said, that at first sight it appeared that in these Estimates the rate of £100 per man, which he last year stated to be about the cost of the army, had been exceeded; but if the Indian depôts, which were for the first time included in these Estimates, were added to the home establishment, the whole number of men to be voted was 153,074, which, at £100 per man, gave a sum of £15,307,400; the amount asked for by the Estimates was £15,302,870, showing that his rule of allowing £100 per man was pretty correct. He regretted that the Estimates did not contain a regular debtor and creditor account of the dealings of the manufacturing establishments. Their cost was given, but there was no account of what they produced. The right hon. Baronet had taken credit for service performed under these Estimates for the Navy, but he had omitted to mention that the cost of some services performed for the Army, such as transport, &c., was defrayed out of the Naval Estimates. He wished to know whether the new system, that the Indian Government should make its payment direct to the War Office had come into operation, and what sums had been received on that account? In comparing the Estimates for the present with those of former years, it ought not to be forgotten, that while some years ago the number of men voted was never raised, it was now often exceeded.

SIR GEORGE LEWIS said, the new arrangement for the repayment of monies by the Indian Government was made during last Session after the Estimates

were voted; therefore, it was not possible to make any other arrangement for this year; nevertheless, a new mode of payment was introduced, and with regard to the effective services it was made a matter of account between the War Department and the India Department. The money was paid over directly to the War Department under the authority of the Treasury. The present India establishment was rather under 80,000 men.

In answer to an hon. MEMBER,

SIR CHARLES WOOD said, that the muster-roll of the army in India was taken every month, and that the twelfth part of £10, the annual sum charged for each man against the Indian Government, or 16s. 8d. was paid to the War Office for every man who was on the list.

MR. W. EWART wished to know why gardens should not be allowed at the camps, as at the camp of the French army at Châlons? He thought that reading rooms and gymnasiums should be established generally, as at Canterbury and other places, which had produced the best possible effect on the men stationed there.

SIR GEORGE LEWIS said, he had already stated that one of the causes of the increase of expenditure of late years was the establishment of soldiers' institutes. If his hon. Friend turned to pages 134-5 in the Estimates, he would see that provision was made in many cases for barrack libraries, reading rooms, and similar institutions. He (Sir George Lewis) had also made a small provision in the present Estimate for instructing the soldiers at Aldershot in trades, which he understood was practised to a considerable extent in the French camps, and with great benefit. If the experiment turned out successful, it would lead to an extension to other camps. He desired to state, with regard to hospital stoppages, that they were not quite abolished, and what he meant to say was that they had been considerably reduced.

In reply to Captain JERVIS,

MR. T. G. BARING said, the dépôts of the new regiments in India were not included in the 7,624 men.

MR. W. WILLIAMS said, he felt strongly disposed to propose a reduction of the force asked in this Vote, but he was aware he should receive no support from the Committee. The standing army and the auxiliary forces of different kinds, and the army in our various dependencies,

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were in the aggregate equal to the army of almost any military Power on the Continent. It was quite a new thing for England to have such a large standing army.

COLONEL NORTH said, if our army had only to defend England, the hon. Member might have cause to complain; but he should remember that it was sent to America and every other part of the world, and that being so, it was not to be compared with other armies.

CAPTAIN JERVIS asked, whether the capitation tax of £10 per man to be paid by the Indian Government, was a permanent or annual calculation?

SIR CHARLES WOOD replied, that although it was in fact an annual arrangement, it would be continued for another year. Practically it was intended to continue for five years and then to be revised.

COLONEL SYKES inquired, whether 83,523 was the total force on the East Indian establishment, including all the dépôts in Great Britain?

MR. T. G. BARING stated that it included the whole establishment.

COLONEL STUART asked, what were the hospital stoppages, and whether in future any religious books would be supplied to the army? Last year £3,000 was taken in the Estimates for the purpose; but this year the sum had been struck out of them.

SIR GEORGE LEWIS said, he could not at present give any explanation in regard to the supply of Bibles to the army, but he would do so on the Report. With regard to the stoppages, the supposition formerly was that the fixed sum of 10d. would cover the whole expense incurred in hospital, but that sum was far from covering the entire cost at present. Nevertheless that sum would not be increased, and therefore, virtually, a large remission had been made upon the stoppages.

MR. WHITE said, he really wished that his hon. Friend the Member for Lambeth, had moved the reduction of this Vote by 10,000 men. The right hon. Gentleman had stated that £5,000,000 was formerly the total sum required for the army, and that subsequently to the French war £10,000,000 was required. After the Crimean war the sum needed was £15,000,000, and he supposed if they had been so unfortunate as to have gone to war with America, according to the law of arithmetical progression supported by the right hon. Gentleman, £20,000,000



would have been demanded for a normal peace establishment. The Committee ought to protest against Estimates of such portentous magnitude, and consider whether the time had not arrived when they ought to be diminished. We had indulged in self-exultation at the wonderful strength we had attained in this country. We had now 150,000 Volunteers ready for service, and still a vote of 145,450 men was asked in these Estimates. If any hon. member of greater experience would move a reduction of 10,000 men, he would second the motion. ["Move, move."] Well, then, he begged to move it. It was not the first time that he had received encouragement from hon. and gallant Members opposite to go into the lobby, and he now gave them an opportunity of dividing with him. He would move that the number of men be reduced by 10,000.

COLONEL NORTH asked the hon. Member, from what part of the army he would make this reduction?

Motion made, and Question put,

"That a number of Land Forces, not exceeding 135,450, exclusive of the Men employed in Her Majesty's Indian Possessions, Commissioned and Non-Commissioned Officers included, be maintained for the Service of the United Kingdom of Great Britain and Ireland, during the year ending on the 31st day of March, 1863, inclusive."

The Committee divided:—Ayes 11; Noes 139; Majority 128.

MR. G. W. HOPE said, that as there was to be an additional West India regiment, he wished to remind the Secretary of State that the Committee on Colonial Military Expenditure had evidence before them of the great superiority of the African over the West Indian blacks. Could the right hon. Gentleman state where the regiment was to be raised?

SIR GEORGE LEWIS said, that the arrangements for the formation of the new regiment were not sufficiently forward to enable him at that moment to answer the question. It rested upon the Commander-in-Chief and the Colonial Secretary. When possessed of the information required, he would communicate it to the House. An hon. Member (Colonel Stuart) had put a question to him with reference to the supply of Bibles to the army, as he found that the item had been struck out in the Estimates. The supply was not to be discontinued, as was apprehended by the hon. Gentleman, but by a change of ar-

rangement the supply would in future be made from the Stationery Office, and the expense would not be included in the Army Estimates.

SIR HENRY WILLOUGHBY wished to know what security the Committee would have, when they had voted the men, that the number would not be exceeded? Last Session he had shown that an increase had taken place in the number of men over the number voted. The number voted was 146,044, but the actual number on the 1st of June was 152,235. If the Committee would refer to a return which had been published on this subject, they would find that in every month from May to November a much larger number of men had been kept up than had been voted by Parliament. Would the right hon. Gentleman state how the consequent increase of pay and allowances was provided for?

SIR GEORGE LEWIS said, that the practice of the War Office had been to regard the number of men voted, not as a *maximum* number for any time during the year, but for an average upon the whole year. They therefore considered, that if they made the average correct for the whole year, the Vote of the House had been complied with. In the earlier months of the year the number of men had exceeded the number voted by the House, but it was at the same time intended that in the later months the number should be by a corresponding amount beneath the number voted for the year. It so happened that the alarm of war supervened, and from this cause the number voted for the whole year might to some extent have been exceeded. If the calculations had not been defeated by that accident, the numbers voted by Parliament would have been strictly complied with. There was no chance of there being any excess this year, as recruiting had been stopped, and the army was undergoing diminution.

GENERAL PEEL wished to know how the excess of 4,000 men up to the 1st of November was explained?

MR. T. G. BARING said, the same question was put at the end of last Session, and he then endeavoured to explain the circumstances. By a Return presented last February, the number on the British establishment appeared to be in excess of the number voted by Parliament. But the number included the recruits which the Government of India required for the new brigades of artillery, and some men

retained in China beyond the number anticipated. The number of men demanded by the India Office for the new brigades of artillery was 4,000. More than 1,000 had been sent out, and 3,000 were in training. The pay of these men was of course chargeable against India. If those deductions were made from the Return of the 1st of November, the number voted would be more than the number borne; and, in saying that, he deducted 1,500 men, the pay of whom was not voted, the rest of the sum deducted under the head of "wanted to complete," represented the pay stopped from men being in prison and other reasons. Since the commencement of the year recruiting had stopped, and whereas more than 1,000 were recruited monthly in 1860-1, in no month of the year 1861-2 up to the difficulty with America did the recruits, cavalry and infantry, exceed 410 a month. In one month it was as low as 129.

GENERAL PEEL understood that the 4,000 men in excess were upon the establishment.

MR. T. G. BARING said, there was a special arrangement with the Indian Government that the expenses of the recruits for the new batteries should be paid for by India.

GENERAL PEEL said, it was the first time he had heard of the special arrangement.

MR. HENLEY said, as far as he could understand the explanation given, there appeared on the face of the paper an excess of several thousands, to continue up to a given day in November. The question then came to this—the men being actually there, how were they to be made to appear not to be there? The hon. Gentleman said that a certain number of them were in gaol.

MR. T. G. BARING begged the right hon. Gentleman's pardon. He simply stated that under the ordinary regulations of the service pay was not issued to the men when in gaol.

MR. HENLEY: The hon. Gentleman stated that 1,500 men of Her Majesty's army were in gaol. If they were not in gaol, he supposed there would be no deductions made. Did the hon. Gentleman mean to say that this number of men who were in gaol were in excess of the average number in the army who were usually in that position? He also wished to know if the body of 4,000 men to be recruited for the artillery service in India were included in

the return of British troops; and, if so, who paid for them? Was the money to be paid into the English Exchequer? The question of excess had been bandied about for the last twelve months. First one answer was given, then another; but they had never been able to get at the rights of the matter. There could be no doubt there was an excess, and the simplest course was to say so at once.

SIR CHARLES WOOD said, with regard to the portion of the troops in India referred to, they were a separate establishment. They were the Royal Artillery, but to be used for special purposes—namely, to take the place of the Native Artillery, who were to be discontinued. A special arrangement had been made with the Indian Government that a certain number of men for that object, for whom India was to pay, was to be raised. It was not right to employ to a large extent the Native Artillery.

GENERAL PEEL: It appeared, then, that during the course of the present financial year the Indian Government was to pay not only so much per head for all the troops in India, but the additional expense of these 4,000 artillery troops.

SIR CHARLES WOOD answered in the affirmative.

SIR FREDERIC SMITH asked, whether they would be for general or local service?

SIR CHARLES WOOD said, for general service. The new batteries would be formed out of the remains of the local Artillery, and the men to be sent out in substitution of Natives.

SIR FREDERIC SMITH asked, whether they would be liable to service in Europe?

SIR CHARLES WOOD said, that in due time they would be relieved and be liable to serve in England or anywhere else.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £5,355,596, be granted to Her Majesty, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces, at Home and Abroad, exclusive of India, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive."

MAJOR KNOX, in pursuance of notice, rose to move the reduction of the Vote by £1,038 14s. 7d., the amount of the

*Mr. T. G. Baring*



pay and allowances to the Major General commanding the Brigade of Guards in London. The hon. and gallant Member said, he had no intention of attacking the Guards; on the contrary, he believed the real enemies of that force were those who opposed a similar Motion last year, when the Vote was only carried by three in a small House; but one of the three had spoken in favour of the abolition of the Major General of the Guards. The appointment in the first instance was devised in order to make a place for a noble Lord on his return from the Crimea. It was held by him for five years, and during those five years little was said against it; but that term came to an end last year, when the matter was broached in that House, and he thought there was a strong feeling against the item. The noble Lord at the head of the Government said that he thought the proposed change would tend to improve the efficiency of the Guards; and, referring to his hon. and gallant Friend the Member for Wigan (General Lindsay), said they ought to give weight to the opinion of an hon. and gallant Gentleman who was animated by no other wish than the good of the service. But he would quote from *Hansard* what another hon. and gallant Member said—

“He (General Upton) was of opinion that, as far as the discipline of the Guards was concerned, that officer was not required. The Guards got on quite as well before the appointment of a Major General as it did afterwards.”—[3 *Hansard*, clxii., 754.]

He did not know exactly what duties the Major General had taken upon himself, because, as the duties were always performed by the Colonels, if he took them the Colonel would have nothing to do. He might have made work for himself. He had the power, certainly, to approve of Courts Martial; but he was told that, when the Major General was absent, that duty was performed by the Colonels. The Brigadier General of the Guards received Major General's pay, whereas a Major General at Aldershot received only Brigadier General's pay. Although he had spent his life in the Line, he had no jealousy of the Guards; but he thought it only fair to assert that the Line Generals were as fit to take the command of the Guards as the Generals of the Guards were to take that of the Line. He understood that the General who had been sent out to command the Guards in

Canada was also Inspector General of Militia in this country. That officer could not discharge the duties of both appointments; but when he found the duty in Canada irksome, he would probably come home, and take up his appointment in this country. If a General was required for the London district, he thought, whether a Guardsman or Lineman, he ought to command all the troops in the district. The appointment rested with the Commander-in-Chief, who ought to be able to appoint any person he thought fit. He would ever be found supporting the true interests of the Guards. He was sure all would concur with him that the Queen ought to have her Guards, and he therefore meant no disrespect to the Throne in moving the reduction of the Vote by the sum of £1,038 for pay and allowances to the Major General commanding the Brigade of Guards in London.

GENERAL UPTON admitted, that he still retained the opinion that the office was not necessary for the discipline of the Guards; but when the appointment was first made, persons high in authority said it was for the purpose of relieving the Adjutant General of a variety of business which was imposed on him. That was his justification for not voting against the continuance of this command. He thought the country might be very well served by this new officer, if they extended to him further duties, from which, he was credibly informed, the Adjutant General would be happy to be relieved.

MR. W. WILLIAMS said, that he had observed that the cost of the Staff this year was upwards of £14,600 more than that of last year.

SIR GEORGE LEWIS said, the hon. and gallant Gentleman who had moved the reduction of the Vote called the appointment “a job,” and stated that the position had been created for a noble Lord who had formerly served in the Guards. Of course it was very easy, when a person was appointed to a new office, to say that the office was made for the individual. But Lord Rokeby was not now Brigadier General of the Guards, but General Crawford; and if the office had been created simply for Lord Rokeby, he presumed it would have been abolished when he vacated the office. At all events, the question was whether there existed any public ground for the appointment? He (Sir George Lewis) had no reason to believe that the office had been created for the individual.

He believed that the authorities of the day became aware of the defective organization of the Guards, and that the office in question was created for very sufficient reasons—to remedy this evil. Seven battalions of Guards constituted a brigade, but up to the appointment of this officer they had never been inspected, except by regimental or battalion officers; and it was thought advisable to give a unity of character to the force by having an officer to inspect them as a whole. He understood from very competent authorities that prior to the creation of this officer the discipline of the Guards was in a very backward state, that subsequently great improvements had been produced, and that it would be a decided change for the worse to abolish the command. There were many duties of inspection which could not be adequately performed according to the plans which had been previously pursued. The Committee were hardly aware of the system which had been in operation. There used to be an officer who was called a field officer in waiting; the office was held only for a month, and was taken successively by the seven lieutenant colonels of the seven battalions of the Guards and the three regimental colonels. Now, the Committee would see that a more imperfect system of inspection could not exist, because officers of different ages, views, and experience, month after month, succeeded to the command, and held the chief superintendence of the battalions. It was to put an end to this very imperfect system that the office in question was created; it was created quite deliberately, and upon the recommendation of the most experienced military men. The Committee would see it was essentially a matter of military discipline. He could not himself form any opinion on the subject. He could only take the opinions of others more competent to judge, and he was sure that the system had been eminently beneficial to the Guards. He trusted, therefore, the Committee would not be led away by the arguments of the hon. and gallant Gentleman, but would defer to the authority of experienced military officers, and retain in the Vote the sum which it was proposed to strike out.

GENERAL LINDSAY said, he had had the honour of serving under both systems, and he was bound to say that he considered the appointment as an improvement. He could not, however, agree with the Secretary of State with regard to what had occurred

before the institution of the office. He did not think that the system was so defective as to require a general officer to be put over the Guards for the purpose of bringing them to a superior state of discipline. The actual command used to be in the hands of the Adjutant General, who did duty as General Officer commanding; but in progress of time the business of the army became so enormous that the Adjutant General had very little time to conduct such inspection as ought to take place; and the appointment of a Major General had been brought about by military authority for the better organization of the system. He trusted that the Committee would agree to the Vote.

COLONEL GILPIN said, he did not concur in the statement of the right hon. Gentleman that the discipline of the Guards was such as required this general officer to be placed over them. At the same time, he did not see why the same rule should not apply to the Guards as to other corps, and therefore he could not support the Amendment, though he thought it would be better if the command of the General in question were to extend to the whole London district, and indeed he did exercise a command over the 3rd Line Regiment now in the Tower.

VISCOUNT PALMERSTON thought, that the hon. and gallant Gentleman was under a mistake when he imagined that his right hon. Friend (Sir George Lewis) had spoken disparagingly of the discipline of the Guards before the appointment under discussion was made. His right hon. Friend only stated what had been confirmed by military authorities in that House, that the appointment was a great improvement in organization. Everybody knew—and this might be stated without offence to other branches of the service—that no body of troops were more efficient, and more distinguished for service in action and discipline at home, than the division of the Guards. That body of men was most exemplary in every respect; but it had this defect, if so it might be called, that there did not exist that unity of system with respect to all matters of internal economy which was so important and necessary, and which was secured by the appointment of a General to superintend the whole division, and who had made an improvement in what was excellent before. He hoped, therefore, that the testimony borne by hon. and gallant Gentlemen acquainted with the organization of the

*Sir George Lewis*



Guards, who stated that the organization, though excellent, might be improved, like all other human things, would induce the Committee to agree to the original proposition.

Motion made, and Question put,

"That a sum, not exceeding £5,354,558, be granted to Her Majesty, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces, at Home and Abroad, exclusive of India, which will come in course of payment during the year ending on the 31st day of March 1863, inclusive."

The Committee *divided*:—Ayes 65; Noes 115: Majority 50.

Original Question put, and *agreed to*.

(3.) £706,892, Miscellaneous Charges, Land Forces at Home and Abroad, exclusive of India.

MR. WHITE asked, whether the men had any share in the increase of £7,000 under the head of "Field Allowances?"

SIR GEORGE LEWIS said, they were allowances made under the authority of a Royal warrant to officers serving in the field.

SIR JAMES FERGUSSON drew the right hon. Gentleman's attention to the stoppages under which the troops already in Canada had been placed for their winter clothing. The first cost of it varied from £1 18s. to £2 5s.; towards which the Government contributed 30s., with 5s. a year for keeping it in order. These allowances were obviously too little, the 5s. hardly sufficing to keep the winter boots in good order. The men sent out in the winter had been very liberally dealt with, and he hoped that those who had been despatched in the autumn would be treated in the same manner.

SIR GEORGE LEWIS said, the disposition of the War Department was to deal liberally with the troops. He could not say that his attention had been called to this particular stoppage; but he would make further inquiry, and if it still existed, he would take care the matter should be considered.

In answer to a question by Colonel STUART,

SIR GEORGE LEWIS explained that the item of £3,000 for religious books, included in the Army Estimates for last year, did not appear in these Estimates for this year, as the books would in future be supplied by the Stationery Office. The item would appear in the Miscellaneous Estimates, which were not yet printed.

MR. KINNAIRD drew attention to the increase in the hospital expenses for the item of medicines and surgical instruments; the increase was from £15,000 to £40,000 for the next year.

MR. W. WILLIAMS noticed the high price that appeared to be paid for the horses purchased for the Household Cavalry.

*Vote agreed to.*

[The next Vote on the Estimates as printed is "*Vote 4. Embodied Militia. Nil.*" The Vote for Volunteer Corps is therefore No. 5. of the printed Estimates, and No. 4. on the Votes and Proceedings.]

(4.) £211,667 Volunteer Corps.

VISCOUNT ENFIELD wished for some explanation of this Vote, which had increased to its present amount from £163,276.

COLONEL GILPIN said, they had been told that this would be an inexpensive force; but the expenses were increasing from year to year. The expenses for powder were increased, and additional clerks were employed in the War Office, so that the whole of the expenses of the Volunteers were not set forth in this Vote. If this charge were to be increased year after year, it would be a matter for the consideration of the House whether it would not be better to lay out the money on troops that would be efficient for every purpose. He never thought it likely that the services of the Volunteers would be required, and the chance of their being called upon was now more remote than ever. He had no doubt that, under able officers, the Volunteers would do their duty, and prove able assistants to the militia and regular troops.

MR. W. WILLIAMS called attention to a charge of £3 per head per annum for clothing to yeoman cavalry, and as they were called out only for a week or fortnight that appeared to him to be an extraordinary charge.

MR. HARVEY LEWIS observed, that in the total sum to be voted for Volunteers £88,779 was put down for the Yeomanry Cavalry. The Vote now before the Committee amounted to upwards of £211,000, but the Volunteers did not receive more than £122,887. He found that the yeomanry cost £6 5s. per head, whereas the Volunteers did not cost more than 16s. per head. Besides, if we enjoyed peace at this moment we owed it in a great measure to the Volunteer movement.

MAJOR EDWARDS appreciated too highly the inestimable services the Volunteers had already rendered to their country to say one word in their disparagement. On the contrary, so much was he impressed with the value of the force in a national point of view, that he attributed in a great measure to its existence their present peaceful relations with the other Powers of Europe. He maintained that England was under the deepest obligation to that fine body of men who had volunteered their services in defence of their Queen and country in the hour of need, and the obligation was universally acknowledged. On the other hand, he trusted the services of the Yeomanry were equally appreciated, and that no hon. Member would intentionally disparage that force. It was certainly true, as the hon. Member for Marylebone had stated, that the Yeomanry cost £6 5s. per head, whilst the Volunteers did not cost more than 16s.; but considering the expenses to which the former were put in the purchase and keep of their horses, he contended that they were in fact much more inadequately remunerated than the Rifle-men who had no such expenses to incur. He, therefore, could not consent to compliment that force at the expense of the Yeomanry. Sixteen thousand mounted men, whose services had already so frequently been acknowledged in that House, and who were at all times prepared to support the Queen's troops in the support and maintenance of order, if once disbanded could not readily be recruited, and the time might arrive when their services might be required.

MR. HARVEY LEWIS disclaimed any intention to disparage the yeomanry.

LORD ADOLPHUS VANE TEMPEST said, he had recently received a circular giving an account of a great meeting held in Glasgow to solicit from Government some additional assistance for the Volunteers. The Glasgow Volunteers made out a very strong case, and he hoped Ministers would give a favourable consideration to their representations. He thought it would be well if a capitation grant of so much per head were given to the Volunteer corps, the amount to be awarded after an annual inspection.

MR. SELWYN suggested, that in future the charge for the Volunteers should be separated from that for the Yeomanry, for the two forces were not identical in character. It appeared to him that the

*Mr. Harvey Lewis*

Volunteers were treated in a very negligently spirit. Of the £130,000 granted to them £50,000 was voted for adjutants, and £40,000 for sergeant-instructors. The latter sum should not be charged against the Volunteers, for it was the price paid by the Government for the retention in its service of a most efficient body of men. Many of them obtained their discharge from the army while in the prime of life, and their employment with the Volunteers was an appropriate reward for their past services, and also kept them in practice and ready for any national emergency, when, as recent events had proved, the services of such men were most essential. He believed the present number of sergeant-instructors was quite insufficient, and hoped the grant under that head would be increased. He also thought the Government should afford to the rifle corps a certain number of experienced buglers, and should assist them in obtaining land for proper and convenient ranges. Ministers might accomplish the latter object by taking up and completing the measure which he had himself introduced at the request of the late Lord Herbert, but which, from various causes, was passed in a very imperfect state. The Volunteers had not asked for any grant of public money for this purpose, but only for similar powers to those already granted to many other public bodies. They were willing that those powers should be subject to the previous consent of some competent local authority, and of the War Office, and to the sanction of Parliament; but they wished to be able to obtain land, without being obliged to go before that most expensive, uncertain, and unsatisfactory tribunal, a Committee of either House of Parliament. Such powers, if given, would be seldom exercised, but their existence would prevent exorbitant demands being made, and a great boon would thus be conferred on rifle corps, and great facilities would be procured for Her Majesty's regular forces, and especially for the militia regiments, which in several instances had been obliged to obtain a loan from the Volunteers of their rifle ranges. He trusted that the Vote, instead of being diminished, would be increased—not, however, by a capitation grant, but in the way he had mentioned.

MR. BUXTON said, he could bear his testimony strongly to the truth of the statement made by the hon. Member for Marylebone (Mr. H. Lewis), that very



great difficulty existed in obtaining funds for establishing and maintaining proper butts for rifle practice; and the Volunteers justly felt that while they made such sacrifices of time and labour, and continued steadily at drill, they should not be called on also to contribute large sums of money for such purposes. The Volunteer force had done much to increase our sense of security at home and our *prestige* in foreign countries, and he feared the corps would dwindle away if something were not done to meet the demands which were now made upon their own resources, by means not of charitable contributions, but by a national Vote.

LORD LOVAINE was understood to ask for detailed information as to the exact numbers of the Volunteer corps, if it could be supplied from official sources.

SIR GEORGE LEWIS: Materials do exist of giving the information pointed out by the noble Lord, and if he is desirous of obtaining it in the form of a return, I will take care that he is furnished with the best information the War Office can supply. With regard to this Vote, the hon. and learned Gentleman (Mr. Selwyn) says it is inconvenient to combine the Yeomanry and the Volunteers in one Vote; but such has been the practice, and it is always better to keep Votes in the same form, unless some strong reason is given to the contrary, because comparison is thus more easy. The reason for the combination is, that the Yeomanry is simply a Volunteer force, and, upon the whole, it seems desirable to take the two Votes together. Unless you wish to abolish the Yeomanry altogether, I do not know that it could be more economically conducted than it is at this moment. With regard to the Volunteers, two courses of objection have been taken. Some think the cost too high, others that it is not sufficiently high. As to those who think the cost too much, I have to state that the increase is not considerable, and it is entirely owing to certain additional charges introduced in consequence very much of the discussions that took place last Session. There is an addition on the Staff in the number of sergeant-instructors for drilling the Volunteer corps, and the increase on the various heads is so moderate that I think the Committee will have no difficulty in agreeing to it. But then it is also said that there ought to be a capitation for the Volunteer corps, and that,

unless something additional is done by Government, great danger exists that their ranks will be thinned in the course of the present year. I have already stated that this sum of £120,000 does not exactly measure the amount granted for the sustentation of this force. I fully recognise the advantage they have conferred on the country, the great loyalty by which they are animated, and the personal sacrifices which they have cheerfully undertaken; but I hesitate to recommend the Committee to make any additional contribution towards the maintenance of the force beyond what is included in this Vote, because it is desirable always to mark clearly the distinction between a Volunteer and a Militia force. There was another point mentioned by the hon. and learned Gentleman—for giving facilities of acquiring ranges for rifle shooting for the use of Volunteers. My attention has not been particularly drawn to the Bill of which the hon. and learned Gentleman spoke; but I will undertake to examine the details, and, if I think it desirable, a measure of the sort suggested shall be submitted to Parliament this Session.

MAJOR EDWARDS had not the most remote idea that the Volunteer Vote could have come on this evening, and this no doubt was the reason why so few members of that force were present to take part in this discussion. He could only say that the reduction of the pay of Yeomanry officers, when on Permanent Duty, to the level of the privates had caused the greatest dissatisfaction—not so much as a matter of £ s. d., but because (as the natural inference) their services were undervalued by the Government, and the paltry saving to the country in last year's Estimates of £3,500 per annum did not warrant such a step. As a contingent to the Regular Army, the Yeomanry were perfectly distinct from the Volunteers—being liable for duty at any moment, in aid of the civil power, as well as for other purposes, and subject when on duty to the provisions of the Mutiny Act. As to the Volunteers, it was high time something should be done by the Government, if they were to be maintained on their present footing, either by a capitation grant or in some other way. The clothing of those men who had served three years was already worn out, and it could hardly be expected that the officers should be at the sole expense of replacing it. Under the circumstances he was quite prepared

to support a Vote for any sum of money that might have been proposed for such a purpose by the Secretary at War, and he felt much disappointment at no such proposition appearing in the Estimates.

MR. KINNAIRD said, the Volunteer force did certainly look for encouraging treatment and mention from the Government and the House. He did not ask for any capitation grant; but they might have some help—for example, in providing butts.

COLONEL KNOX thought that the arrangement entered into last year with regard to the Yeomanry was fair and satisfactory, and that the sum granted by the Government was amply sufficient for all purposes. The Yeomanry officers, also, thought it would ill become them to ask for this pay when the officers of Volunteer corps were serving gratuitously, and making such sacrifices besides. It was hard, however, that Adjutants of the Yeomanry force should be entitled to no retiring allowances in case the corps broke up of its own accord.

MR. W. E. FORSTER feared that unless some assistance in the refitment of Volunteers, when the present uniform was worn out the numbers would fall off for want of means. He did not think that any addition should be made to the Vote, or that the Volunteers should be paid; but he would suggest that in future years some assistance might be given in refitting the men, upon the principle of paying only for results, and only granting such an allowance in the case of effectives, say, at the end of three years' service.

LORD ADOLPHUS VANE TEMPEST said, he did not wish to advocate that payments should be made to Volunteers, but that some assistance should be given to them in respect to their clothing and accoutrements. It had become now extremely difficult to maintain the force. The novelty of the thing was passing, the excitement was lessening, and, as the time for getting new uniforms came on, they looked for some assistance. He was quite willing that the assistance should be on results.

LORD FERMOY said, he was an advocate for economy, but he must say he could not understand why they strained at the Volunteer gnat after having swallowed the expensive camel of the regular service. He thought the Government should contribute something to the rifle ranges and butts. The expense of this

*Major Edwards*

would not be much, and the ground could be used for the practice of the Militia, who, if they were to be made efficient, should have the opportunity of practising with the improved rifle. Did Government mean to give the cloth to the Volunteers? If something were not done in the way of encouragement, the force would very soon melt away. He should always be ready to vote in favour of rifle ranges.

MAJOR BARTTELOT suggested that the Government should supply drill-instructors to the various corps, and that the cloth for the uniforms should also be given once in four years.

MR. BUCHANAN bore testimony to the general prevalence of the feeling among Volunteer officers and others, that unless something were speedily done by the Government to aid the force, a large diminution in its numbers must be expected to take place.

MR. H. A. BRUCE called attention to the sum of £3,000 for the payment of clerks of the lieutenancy, who were amply remunerated by the Volunteers.

*Vote agreed to.*

Resolutions to be reported *To-morrow*.  
House resumed.  
Committee to sit again on *Wednesday*.

#### MERCHANDIZE MARKS BILL.

##### SECOND READING.

Order for Second Reading read.

SIR FRANCIS GOLDSMID urged several objections to the measure, which he conceived was calculated to produce difficulties rather than remove them.

MR. MILNER GIBSON said, the Bill was to be referred to a Select Committee, in which, if the hon. Member would lend his assistance, his suggestions would no doubt be duly considered.

Bill read 2<sup>o</sup>, and committed to the Select Committee on the Trade Marks Bill.

#### OFFICERS' COMMISSIONS BILL.

##### SECOND READING.

Order for Second Reading read.

SIR GEORGE LEWIS moved the second reading of this Bill.

MR. HENNESSY believed that the measure was unnecessary, it being quite competent for the Queen in Council, at this moment, to do all that it proposed to accomplish.



SIR GEORGE LEWIS admitted that the matter was not one of any very great moment; but the Bill was intended to remove doubts as to the legal position of officers of the army, with respect to which it was undesirable that any uncertainty should exist.

Bill read 2<sup>o</sup>, and committed for Thursday.

House adjourned at One o'clock.

## HOUSE OF LORDS,

Tuesday, March 4, 1862.

MINUTES.—PUBLIC BILLS:—1<sup>st</sup> Consolidated Fund (£973,747); Indian Stocks Transfer.

### LAW OF PROPERTY AMENDMENT BILL.

#### REPORT.

Amendments reported according to Order:

LORD ST. LEONARDS moved the following Clause in substitution for Clause 1 struck out in Committee:—

“Where a Purchaser for valuable Consideration, or Mortgagee, or his Solicitor or Agent, has not direct Notice of any Act, Fact, Instrument, or Incumbrance affecting the Title to the Property purchased or taken in Mortgage, and with which he is sought to be charged by or through what is termed in Law implied or constructive Notice, that is, Notice or Knowledge of the Act, Fact, Instrument, or Incumbrance with which he is attempted to be charged, and which he would have discovered if he had made diligent and proper Inquiries, founded upon Knowledge which he did possess of some other Act, Fact, Instrument, or Incumbrance affecting the Property, or founded upon imperfect Knowledge which he did possess of the Act, Fact, Instrument, or Incumbrance, with which he is attempted to be charged, or where he has wholly abstained from making any such Inquiry, no such Purchaser or Mortgagee shall be charged with or made liable to any such Act, Fact, Instrument, or Incumbrance, unless the Court before which the Question is raised shall be of opinion that the Conduct of such Purchaser or Mortgagee amounted to Fraud, or unless the Circumstances of the Case are such as to satisfy the Court not only that he might have acquired, but that he ought to have acquired, the Knowledge with which it is sought to affect him.”

Amendments made.

Bill to be read 3<sup>a</sup> on Thursday next.

### EDUCATION—THE REVISED CODE OF REGULATIONS.—PETITIONS.

THE BISHOP OF OXFORD, in presenting Petitions from various places against the Revised Code of the Committee of Privy Council, said: My Lords, I rise to present to your Lordships petitions from various parts of the country, and especially from my own diocese; and to call your attention to the effects of the Revised Code, and of the alterations which are proposed to be introduced into it by Her Majesty's Government and which have been stated in the Houses of Parliament. My Lords, I am fully conscious of the awkwardness of discussing a question of this gravity without proposing a specific Resolution; but I feel that it is really forced upon your Lordships by the mode in which the question has been brought before you. I cannot myself think it seemly to ask your Lordships to agree to any distinct Resolution on this proposed Code, because, as far as I am aware, there is no Parliamentary machinery by which in the event of any disagreement between the two Houses there could be any adjustment of that disagreement. If we proceeded by Bill, each Chamber, having the whole matter before it, would be able to introduce its own Amendments; the two Houses could consult together, and the ultimate conclusion of the Legislature would be the adjustment of any differences between the two Houses. But if we proceed by Resolution, there is no way to adjust and bring into perfect harmony what may happen to be the different Resolutions of the two Houses. Therefore it appears to me it would be inconvenient, in the present stage of the business, to invite the House to come to definite Resolutions upon the scheme as proposed by Her Majesty's Government. Not thinking, however, that the House should withhold its expression of opinion on this great matter, and believing that its expression is to be obtained by a debating of the subject as far as by the forms of the House it can be debated, I think it desirable that your Lordships' opinion should be elicited and expressed, especially as I believe that outside the House the opinions expressed by your Lordships in debate have a powerful effect in guiding the mind of the country to sound and wholesome conclusions upon matters of deep importance like this. My apology, therefore, to your Lordships must be, that while it is desirable to give your Lordships an oppor-

tunity of expressing your opinions, and inconvenient to do so by Resolution, there is no other mode save the one which I have adopted of calling the attention of the House in an abstract way to a subject of the widest interest which can possibly be discussed or considered by it.

Perhaps I may be allowed to say for myself, that I hope to be excused, as the individual Prelate who brings the subject before you, by this one consideration, that the diocese over which I preside—it may be because the great University of Oxford, if not connected with it, is situated locally and practically within it—has paid special attention to the subject; has greatly assisted in devising the different modes by which the Church can meet the offers of the State for helping on the education of the people; is one of the few which has maintained a large training college, so greatly affected by the new Code; is one which has organized a wide system of inspection, and is able to give statistical returns upon the education of the middle and lower orders connected with the Established Church with a degree of exactness and to an extent which few other dioceses can equal. It is not, therefore, surprising that the clergy and laity in the diocese of Oxford should take a deep interest in propositions which will materially affect or readjust the relations between the Church of England, which devotes its labours to education, and the Government, as to the terms upon which State assistance will be afforded to education, and that they should be anxious that their opinions should be expressed fully and deliberately, yet as distinctly as possible, to those who will have the ultimate settlement of this question.

As the Revised Code was originally propounded, it appeared to me to be based upon a great many fallacious assumptions both with regard to the evils which the alterations were intended to remove, and, perhaps, still more as to the mode in which those evils were sought to be remedied. It is necessary to trouble your Lordships while I show the tendency of the Code before it was again revised, because I believe that, when looked thoroughly into, the proposed revision of the Revised Code, except in two instances, is really illusory, as far as removing the objections to it, and in some instances aggravates the evils of which we complain. The first great evil, and certainly that which is felt most widely in the country is this:—It is sup-

*The Bishop of Oxford*

posed (and certain words in the Report of Her Majesty's Commissioners give a colour to the impression) that the cost involved in carrying out the system upon which during the past few years we have been assisting the education of the lower orders of the country is of indefinite amount. I believe it is entirely fallacious to suppose that the cost would be almost indefinite. I have gone over and over the figures as stated to the Commissioners, and from which they drew their inference; and making the deductions which must be made, so far from the expense being in any degree indefinite, I believe that less than threefold of the present expense would, on the largest possible estimate, cover the whole sum which, within a reasonable time, Parliament could under the old system be called upon to grant for the education of the people. Taking into account the proportion of population which at any time ought to be under education—taking into account the private schools, where the pupils are educated at the expense of their friends—taking into account the children not at present brought under education—children mainly of paupers, living out of workhouses, or of the vicious classes of the population—and supposing that education were extended to them all, less than three times the present amount expended on education would defray the whole charge. There are two ways of looking at this question of expense. Of course it alarms you. But is it an extravagant sum? Here two considerations arise—first, the greatness of the result; and secondly, the greatness of the resources of those by whose aid you are seeking that result. If you take the matter in the abstract, as to whether that large addition of expense would be an extravagant price to give to secure the sound education of the great mass of the people, considering what Great Britain is, I do not think that it would. Try it by any test by which you estimate your national expenditure. See, for instance, what is the cost of providing one implement to defend your coast against the possibility of invasion. Great as is the necessity of such preparation, it is not to be put against giving the right sort of education to the great mass of the people. If we are now living under a state of things in which we contemplate great sums being laid out by a great people for great results—for such results as the defence of our shores from an invading enemy—the mere



fact that the sum required for education is numerically great does not make it great when put in juxtaposition with the object which we are seeking to obtain. Those internal elements of sensual grossness, unreclaimed by moral and intellectual training, are a danger to a civilized country as great, and a threat against her liberties as real, as any external enemy whom you seek to repel from your shores. I cannot admit that upon the mere fact of the figures being large we are to take it for granted that the expenditure is extravagant. There is one mode of estimating the expense upon which it seems to me we can rely, and it is one which Parliament ought to watch, for many reasons, with the greatest care, in order to see that the expenditure is not extravagant. I mean this—we ought to look, not to the actual money spent, but first to the amount spent compared with the result obtained; and, second, to the amount spent by the public compared with the amount contributed by the charity and piety of individuals towards bringing about the same end. Before I enter upon the first, allow me to say a word upon the second. It seems to me that the surest test as to the amount which we should spend is, when the private expenditure of those interested in the great cause and in the localities to be benefited bears a due and just proportion to the sums granted by Parliament. The eye of such people is ever on the work. If the money is spent and the work is not done, the private eye, which looks into details, is the first to take alarm, and the private purse, like some delicate thermometrical test, shows that the result is not satisfactory. There is another reason why this is the true test. I do not wish to see the education of the country committed entirely to Government management, and I am very much afraid of anything which tends to supersede private and charitable exertions in this work by Government help or by the result of taxation, for I firmly believe that the direct blessings which have been given to it from above depend upon the work being the direct work of charity, combining with all those ennobling influences which ever wait on well-directed efforts for the good of others, and prompted by high moral motives. And that that is the true principle, I for one believe, for this still higher reason, that the maintenance of the religious tone of education depends upon the religious education being carried on, as it now is,

through the aid of different religious denominations, rather than by one Government board. In a state of society like ours, divided upon religious matters, a common administration of education could only be carried on by the removal of all elements of dissent; but the elements of dissension between those anxious on religious grounds for the education of the people are just those very religious differences the existence of which would make it necessary that we should withdraw all peculiar teaching in religion before we could arrive at any common ground on which a Government scheme of education could be administered. For this reason I am very desirous that there should be no such assistance granted from the public purse as could lead to any suspension of that private charity which has already done so much for the work of education. But the test, observe, is not the actual amount granted from the public purse, but whether the proportion which it granted is fair as compared with the amount given by private charity to the same end, and whether it is sufficient to develop that charity to the utmost. At present we may say that the amount granted by Parliament is in round numbers £800,000, and the real test is whether that grant has tended to increase or diminish private efforts. So far from its having done so, I believe the effect of the Government grant up to this time has been to increase every year the sum given by private persons for the moral and religious teaching of the people. The £800,000 now distributed by Government leads to the expenditure of something like £2,000,000, expended by the people in order to obtain better schools and to make those schools more true to their high purpose; and therefore my thermometrical test of the amount spent says that too much has not been spent, because that which has been spent from the public purse has tended to increase, and not to supersede, the grants from private charity. We come next to the second test—that which practical men would call the real—which test is, Do we get a proper return for our money, and is what we get the true article we want? To a certain extent I am ready to admit that there has been in many districts and in many minds a tendency to dissatisfaction with some at least of the results. Some persons say that there has been too much of what, by a wrong use of the word, is called

“over-education,” but what I think might more properly be called cramming for examination children to whom cramming was a positive damage, both now and in after-life. I believe that, to a certain extent, there has been an injury in that way; and I am bound to ask, then, whether the Revised Code does lead to an amendment of that evil. The proposal of the Revised Code with regard to that particular evil, as I understand it, is to reduce the examination, upon the result of which for the time to come the money to be granted to the school by way of a capitation grant in lieu of all other grants is to depend, to an examination mainly in reading, writing, and arithmetic. I wish your Lordships for a moment to weigh what is the real result of such an alteration in the inspection of schools; because we have heard words which I think—no doubt unintentionally—tended to draw away your attention from the real point. It has been said that the Inspectors, as sensible men, can hardly find more pleasure, or so much, in questioning children as to the course of rivers in India and other recondite matters of which they knew nothing, as in examining into the plain, practical results in reading, writing, and arithmetic. I think, my Lords, that is to place the question upon a false issue. Hitherto the inspection, whatever its faults, has been carried on by men of high education. Those who have inspected our schools, so far as I have seen or know them or read their reports, have been men of high moral bearing and high religious tone. I wish to do full justice to what was said on a former occasion by my noble Friend the President of the Council, when he claimed for himself the credit of not having made any of these appointments, in any sense whatever, opportunities for jobbery, or for the promotion of the interest of private friends; but that they had been given honestly and truly to the very best men he could find. I have no doubt whatever that such is the case. My own experience convinces me of it, and I do not think that the country has any fault to find in that respect. But, my Lords, when we are told that such men as these cannot find more pleasure in conducting an examination under the old system than they will under the new Revised Code, I must beg your Lordships to consider what the new examination, if it means anything, really does mean, and wherein it differs from the old examination. The old examination tried to take

a gauge of the moral, intellectual, and religious training of the school with which it had to do. The result of that examination was to be honestly and truly reported, and it could only be gathered from innumerable little incidents which the practised eye of the Inspector easily deciphered—the mere look of the children, the brightness of the countenance, the cleanliness of the countenance and hands, the smoothness of the hair, the readiness of the eye, the mutual bearing of child to child, of the children to the pupil-teacher and master, and of the pupil-teacher to the master—all these were objects of attention to the highly-educated and intelligent man who had to say faithfully and honestly whether the school satisfied him as a Government Inspector or not. But what will be the examination if it is carried out honestly and truly under the Revised Code? It is really to be a mere inspection—not of the children in their general bearing—but a mere searching into how far the children individually in every part of the school are up to the mark in the most mechanical part of their training, reading, writing, and arithmetic. I beg your Lordships to notice this, that reading in men of your Lordships' education ceases to be mechanical. It is the acquiring of information through reading—the mechanical act has perished. You glance at the book without spelling it over word by word, letter by letter. But in these schools, in young children particularly, who have only lately been denizens of the school, it is a mere mechanical, and the most mechanical part of their training—it occupies the whole of their attention; and when a child is put up to be examined by this terrible Government Inspector, the effect of his nervousness and fright is to make his attention to that mechanical training more servile, and probably to make his chance of shining in it less. The result of forcing your Inspector to go through the school head by head must lead to each individual child having an infinitesimal portion of the Inspector's time. The most patient Inspector, therefore, must always be in a hurry with each separate child, and your Lordships who have had any experience in examining your parish schools know how quickly the temper of the examiner spreads to the examined, so that an examiner in a hurry is another word for a pupil in a fuss. The child examined will be put out; there will be no time for him to recover his step;



the current of examination will run on, and his poor efforts to show his head above the stream again will be utterly hopeless. Your object is not to teach in these schools mere mechanical drudgery, but to give the children an opportunity of raising themselves intellectually and morally above the level which is too often found in their cottage homes. But, by degrading the examination from an inquiry into the moral and intellectual tone of all the school into a test examination of each individual child in the most mechanical part of its training, you prevent the schools from being the true enlighteners of these children. To say that under such a system you are going to pay for results is a most fallacious way of putting it, because, in fact, you are going to pay for the poorest results, and to take the very worst criterion of the progress of education. It seemed like testing the efficiency of the accident ward of an hospital by sending in the hospital Inspector to examine the patient while his broken limb is in splints, in order that he may report on the success of the curative process, instead of waiting to see what would be the action and usefulness of the perfectly restored limb. The real result is what you turn out of the school as the effect of the education you give in it. The real result of a curative process is whether the patient when he comes out of the hospital has his strength and proper power of action given him again. Therefore when inspecting the education, and taking the great result at the single acquirement of reading, writing, and arithmetic, it is a perfect fallacy to say you are going to pay only for results. Why, what have been the results, in the very few years since the system was introduced? How long has this system of amending education by the employment of pupil-teachers been in operation? How long do your Lordships suppose it has been tried in any part of England? Why, so recently have any of the pupil-teachers gone out of their schools that you have as yet the smallest data possible to go on as to what the amount of improvement in general education really is which the training of such teachers promises to give. Under the most favourable circumstances, we have had as yet scarcely time to test what is the result. It is only ten years since the first few pupil-teachers went into any training college at all. The first pupil-teacher who left a training school as a certificated master only went

out in January, 1858. And only four years after this we are called on to pronounce that this system is, to a great extent, a failure! Having paid for efficiency, it is said, we are now to pay for results; we are going, in point of fact, under this Revised Code, to do away with the pupil-teacher system. Now, my Lords, the fallacy from which this state of things has arisen is this:—It has been stated by Her Majesty's Commissioners that in many schools the instruction in reading, writing, and arithmetic has been unsatisfactory. But if proved, how far has that been the fault of the system, or a necessary evil, to be ascribed to the matter on which you have got to work? If you consider the interrupted attendance in schools of the lowest class, the gross ignorance out of which you have to raise the children, the dulness that waits on the first years of receiving instruction, I say the difficulty experienced in teaching these common things to the lowest classes is a difficulty to be ascribed to the subject-matter on which you have to work, not to the tools with which the work is done. I can quote from the Report of the Commissioners itself to show how greatly the evil has been exaggerated. In 89 per cent of the schools they state that reading is taught excellently or well; that it is taught moderately well in less than 11 per cent; and badly in less than one-quarter per cent. Writing is taught well in 90 per cent; moderately well in 9 per cent; and badly only in one-half per cent. Arithmetic is taught well in 83 per cent; moderately well in 15 per cent; and badly in  $1\frac{1}{2}$  per cent. But before the system is judged even by this not very frightful result, we must remember that of these inspected schools 20 per cent were not under a certificated master at all, and they pull down the general return from the whole of the schools. The results, therefore, have been grossly undervalued. But, suppose the deficiency is proved, in what way is this Revised Code likely to remedy it? The great proposition of that Code may be described as this:—It proposes to reduce all the payments for the assistance of elementary schools to a grant of one capital sum, instead of being given in many different ways, for pupil-teachers, on masters' certificates, and as a capitulation grant. In the first place, my Lords, how will this tend, in any way, to remedy the evil? I believe it will not do so; on the contrary, I believe it will introduce

some new and some very great evils—some so great that I do not see how, practically, they can be met. One of these evils will be that the managers of schools must henceforth undertake the payment of pupil-teachers and masters; they must take that responsibility on themselves, without having any general fund to which they can look for the supply of the money they need. From many things written in this Revised Code one would think it dealt with men to whom it is perfectly indifferent if they advance money at the beginning of the year on a possible chance of being repaid it at its close, on the chance that the scholars are tractable, that the Inspector makes a good report of the school, that everything goes well; it is assumed that the managers are perfectly indifferent as to incurring a certain and immediate outlay upon a somewhat indistinct chance of receiving their money back at the end of the year. But when we go to the fact, every one knows that, through a great part of the country, it is either some landowner who takes an interest in the matter, or, in the case of a great number of schools, the clergyman of the parish, who take on their own shoulders the burden of supplying everything that may be deficient. If there is any difference between the money spent and the money in hand, the clergyman has often to make it good, and the Report of the Commissioners shows that the clergymen expend a greater amount than the entire sum raised by private contributions. Now, you put a heavy burden on men who are overburdened already; and you put on them just that particular form of burden which a clergyman with a limited income, actuated by a full sense of honesty and duty, can least bear. You put on him, not a certain charge that he might spare out of his small income from the abundance of his charity, but an uncertain charge, that he cannot possibly say he shall be able to meet; and which, therefore, as an honest man, he cannot take. This part of the scheme is one that will not really operate, except in this one way—in checking the advance recently made in the work of education. And observe in making this one grant for the support of schools, as proposed, instead of in various grants, as hitherto, you do another injustice. You make what is a single grant, given on several different conditions, depend on the fulfilment of one single condition. The grants to these schools depend on the

school buildings being appropriate and clean, on the masters being competent, on the pupil-teachers being what they should be. Then the second matter of inquiry is into the advance of the scholars—always a different inquiry in every respect. But now these two entirely dissimilar claims you propose to make dependent solely on the examination of the children. This is an injustice, and in direct opposition to the Report of Her Majesty's Commissioners, upon which the Revised Code bases its claim to consideration. Another head of offence is the proposition of the Revised Code, that henceforth the children shall be grouped for inspection by age. Any one conversant with the schools in the rural districts throughout the country will feel that it was hardly possible to devise a more bungling and mischievous proposition. The merest dunce—perhaps a girl just taken from what a popular writer has described as the “Moloch worship” of nursing babies—wishes to have the opportunity of training possessed by her younger sisters. The Inspector comes, and perhaps begins to examine this child among children of her own age, and finding a child of nine years of age, exceedingly backward, placed in Group No. I, the Inspector may take his estimate of the working of the school from this tremendous example. For that reason, my Lords, I look upon grouping by age as altogether a bungle and a mistake. The effect must be necessarily this:—That no schools which are looking for the capitation grant to any considerable amount can for the future afford to take these children on any terms; because, instead of raising, they will pull down the amount, so that just in proportion to the good which the school is doing will it be mulcted of the grant. And how is the difficulty met in the revision of the Revised Code? The rule laid down by the Revised Code is that no child above thirteen years old can be examined more than once. Now, it has been clearly shown that the children who get the greatest good in our schools are children of about this age. I speak on this point as a practical educator. After eighteen years of hard work as a parish priest in building up the school, I know from experience that the great object to be laboured for is to prevent a boy from being removed to keep the birds off the fields just as he is beginning to get the full benefit of the school. The result must be, that as these children are in future not



to obtain the capitation grant after one examination, all the schools which find it difficult to obtain funds must throw these children over instead of clinging to them, because they will be too expensive to keep. And observe, my Lords, that the districts most affected by this regulation will be not those in which the schools are supported by wealthy persons or are frequented by middle-class children, but they will be the poorer districts: the very places to which the public money ought to flow most freely, so as to make the maintenance of a good school possible, will be the places where the evil I have described, joined to the grouping system, will tell most cruelly. Well, it is in the attempt to remedy this evil that a greater evil has been done. To meet this objection it is proposed that the younger children should be permitted to come to the night school. Now, instead of its being a good, it is the greatest possible evil to get those young children into the night school. All those who know anything of the working of Sunday Schools know that there was a time when the Sunday Schools were the means of continuing the education of young persons after they had left school; but gradually they became schools for young children, and the result is that those for whom they were intended have been universally driven away. So it must be. Let your Lordships picture to yourselves a night school. It is frequented by young fellows who are just of an age to feel the importance of education, but who have forgotten pretty nearly all that they learned at the day school. They come with a hearty good will, anxious to learn; but they are awkward, and they are slow. Still, by gentleness and kindness, you may do with them a work of incalculable good. But now you are to send in three or four young children, eleven or twelve years of age, fresh from the first class of the morning school, and these will every evening be putting their elders to shame, making it impossible for them to endure the fool's-cap put upon their heads, as it were, by young children, just fresh from school. Believe me—I speak from experience—it will be one of the deadliest injuries you can inflict upon the moral and religious hopes which are hovering over these young men whom you are trying to raise from a life of boorishness through the influence of the night schools. Instead, therefore, of accepting this concession as a boon, I regard it as an additional injury.

Here, then, I have pointed out to you some great evils in this Revised Code, and I venture to say that, with two exceptions, the alterations proposed are of a mischievous character. One of those exceptions is the determination not to deal at present “directly” with the training colleges. I lay stress upon the word “directly,” because indirectly the training colleges are affected. And even this withholding of direct interference is very much like the non-interference of a thundercloud which is just about to burst. We are told that for the present, in consequence of the outcry which has been raised throughout the country, “My Lords” do not propose to take away the official support now given to the training colleges. A great deal is said about the disproportion between the public funds received by these institutions and the local contributions; but this disproportion must be expected. In the first place, the training colleges have not the local interest possessed by the elementary schools. Take my own diocese. We educate young men—Queen’s scholars—not for our own diocese only, but for every part of England which likes to bid for them. It is, in point of fact, a public institution, supplying the Church of England schools throughout the country with trained teachers. Such an institution must necessarily lack the individual and local interest which lead the clergy and the laity—especially the wealthy laity—to give their support to elementary schools; and, as it addresses itself, therefore, to the supply of no local want, I think it has a right to a disproportionate grant from the public funds. Another reason for this disproportion is the novelty of these institutions. At first there was a great scramble for the young trained men sent out from the colleges. The demand for them was far above what they were entitled to supply, and in one instance one of those young men absolutely refused £70 a year and a house, thinking himself worthy of much more. Such a demand for their services rather turned the heads of those young men. But the remedy for this is to adjust the supply to the demand, and let the article find its proper value in the market. This result has begun to follow already, and the very complaint you make—namely, that there are some young men who do not immediately get positions—shows the influence of this wholesome law of demand and supply. But you will prevent the influence of this law

altogether if you will limit the operations of the training colleges. With the best possible sifting of the young men a certain number must be admitted who have not a vocation for the work. It is most undesirable that they should be forced into the profession of a schoolmaster if their heart is not in the work ; and for this reason it is also most desirable that there should be a margin of supply over and above the immediate and pressing demand, so that those who, upon trial, are found deficient may serve their country and their God in some other way. The objection, then, about the over-supply and the disproportionate payment made from the public purse to the training colleges, is a fallacy leading to a wrong conclusion. We may well fear, as the ultimate result, that four-fifths of the training colleges would be closed after the great expenses which private persons had been encouraged to make to start them. But I said that the Revised Minute, at all events, seems to withdraw any direct attack upon the training colleges ; but does it wholly withdraw it ? It appears to me that it does not.

The second great complaint I make against the Revised Code and its revision is, that in practice it will, I think, be found to be almost fatal to the pupil-teacher system — which, in my opinion, has been the very best part of the scheme — and in proving fatal to that system will also prove fatal to the supply of scholars to become Queen's scholars in training colleges, and thus wither up those colleges by withholding the supply of candidates. You may say, perhaps, that the money of the country, ought not to be spent in this work of educating the poorer classes ; but, my Lords, there is no disputing the fact that a great part of all the means of education provided for the higher classes in this country is supplied from public funds. We have our endowments of public schools and Universities. We cannot hope to obtain in the present day endowments for the support of the schools which provide for the education of the poorer classes. Then how are we to provide for those classes the assistance which the higher classes receive, if we do not do it out of the sum set aside by Parliament for the purpose of promoting the education of the middle and lower classes in this country ? Then, how does the pupil-teacher system fare in this matter ? It seems to be injured at every turn by this Minute. As the case stands now, every school with

ninety scholars must have a pupil-teacher to come under the Government grant ; but under the revision of the Revised Code, a school need not have a pupil-teacher until it reckons 130 scholars. Here is one injury. Then, by throwing upon the manager the whole support of these pupil-teachers, you make it morally certain that a great number of school managers will not venture to incur the now unnecessary expense of maintaining pupil-teachers, and these persons, therefore, will not be engaged. If you say 130 is the limitation that will take in the greatest number of these schools, I would refer your Lordships to the diocese of Canterbury, where the Inspectors tell us that out of 161 schools 123 have less than 90 scholars. You are not dealing with a few cases, but by the plan of throwing upon the managers the risk of employing pupil-teachers, and at the same time relieving them from the necessity of having those pupil-teachers, it seems to me that you are striking a blow—a fatal blow—to the pupil-teacher system. More than this, in schools with more than 120 scholars up to 190 scholars, only one pupil teacher need be engaged by the managers ; and if no pupil-teacher be engaged, then the penalty is the loss of a grant of £10 a year, but at the same time a saving of £19 in the cost of his maintenance. Pressed as are the majority of schools, I cannot but think that the working of the Revised Code—little as I know it was intended—but the effect of it will be to smite the very existence of the pupil-teacher system. There is nothing upon which the Royal Commissioners have reported more entirely favourably than this particular part of the system, and those who have examined into the state of education abroad and compared it with our condition at home have told us that the existence of that system was the one great feature that had improved the state of education in England so much within the last few years. Abolish that feature, and what would be the result ? We should return to the old monitorial system—a change that, as it seems to me, would be fatal to the advance of education, because, as water cannot rise above its own level, so in the long run and in the majority of cases the taught cannot rise above the teacher ; and if you have your untrained monitors instead of trained pupil teachers, you will degrade your schools to an extent which you can hardly



estimate at present. In another point the new Code will tend to that result. In future, masters of day schools are to be allowed to teach in night schools, and pupil-teachers are to be permitted to receive instruction in these night schools. Any one who has ever been at a night school will know at once that there could not be a more mischievous suggestion. If a pupil-teacher is gaining anything, he is getting improved habits from the master, which raise him above the condition in which he first came to the school; and the process of raising, to do much good, must go on mainly not in the actual school hours or periods of teaching, but in the intercourse that takes place between the master and the apprentice. But, instead of that, the pupil-teacher is to be put into the midst of a crowd of young lads, after their day's work, with all the roughness and coarseness which are to be found among that class, and in the midst of hubbub and interruption and all the lowering incidents attaching to a night school. I say that is no boon, but a great injury to the progress of education.

I will not weary your Lordships with going into minute details; but there are many other matters which I might easily point out. I trust I have made it plain, first, that here was to be introduced suddenly a change which must, to the very foundation, affect the whole system of popular education; next, that the suspension of Government assistance in the shape of money help to these schools has been introduced suddenly, harshly, and without due appreciation of many delicate and important parts of the present system. Now, granting, for the sake of argument, that retrenchment was necessary, how should such a change have been introduced? I say with notice, gradually, and in a way that would least alarm a sensitive and easily alarmed class of persons—in a way that would have enabled those who are interested in the cause of education to provide substitutes for those means which are now to be taken away. Certainly such a change should not have been introduced suddenly, with scarcely any preparation, with every incident to create alarm, with the semblance—and, I believe from my heart, only the semblance—of an unfair mode of introduction. I must also say that, comparing the speech made in another place with the acts that followed that speech, I cannot wonder

that persons with small incomes, such as schoolmasters, should be sensibly alarmed at the apparent discrepancy between the promise that there should be no sudden interruption, and the hastiness of the projected reform. With the exceptions of not having struck a deadly blow at the training colleges, of having reformed the terms of the Concordat of 1839, and of their being no intention to interfere with the religious training in schools, this revision of the Code is illusory and mischievous. I will not trouble your Lordships further, but thank you for the kind courtesy with which you have listened to me. I will only ask you to consider, one and all, that you are dealing with a most important matter. If you consider what has been done within the last fifteen years, and that in this work there have been many different agencies at work, all combining to this great result—the National Society, in strict connection with the Established Church; the British and Foreign Society, which has always had the firm support of the noble Earl near me (Earl Russell), which support has greatly contributed to its great successes—if you reflect that the number of children at school has, within the last fifteen years, been raised from 500,000 to 2,500,000; that the balance has been redressed between ignorance and due knowledge to such an extent that, whereas then there was only one in seventeen of the population receiving education, there is now one in seven—your Lordships will perceive the importance of this subject. So great has been the change, that whereas formerly we were below many continental nations in the scale of comparison with regard to education, yet now—with perhaps the exception of Prussia, where elementary education is inflicted as a legal penalty instead of being conferred as a paternal boon—we now compare advantageously. When I see these results, and remember that education hitherto has been connected with the formation of moral habits and the kindling of religious sympathies; and when I hear of the efforts, not only of the Church of which I am a minister, but also of Christians of all denominations, I feel that under this system secular education has been endowed and sanctified by the communication of religious truths. When I see at this moment that this great good is still increasing, I have a right to beseech your

Lordships, as I do beseech you, to pause before you adopt plans which, by the admission of all, were laid upon the table of Parliament so ill considered that their very suggestors have been obliged to withdraw many of the most important suggestions. I do beseech you not to risk such results as I have pointed out, and not to interfere with the present system upon advice so hastily given and so lightly retracted.

EARL GRANVILLE :—My Lords, in rising to make a few observations in answer to what has fallen from the right rev. Prelate, I must express my regret that indisposition prevents my noble Friend the Duke of Newcastle, the Chairman of the Royal Commission on Education, from attending in his place on this occasion and taking part in this discussion. I regret this absence the more because the speech of the right rev. Prelate consisted rather of an attack upon the conclusions at which the Royal Commissioners arrived than of an attack upon the measures which the Government have adopted, or are supposed to have adopted, in consequence of their recommendations. I regret likewise that, as I am myself now suffering considerable pain, I shall not be able to address your Lordships as I could wish, and I shall therefore be obliged to abridge my observations. The right rev. Prelate began by explaining the reason why he was the first Member of this House to bring this subject before your Lordships; and he said that he did so in consequence of the diocese over which he presides having taking the leading part in regard to the education of the children of the lower classes. Now, I was not myself aware of that fact before. I had always thought that the initiative in the movement was taken by the late Archbishop of Canterbury and the Bishop of London, who conducted the original negotiations with the Government, which proved satisfactory to all parties; and that since that time there appeared to have been a most honourable rivalry between all the dioceses in the kingdom in the good work, so that it is exceedingly difficult to allot a more leading place to one than to another. It so happens, indeed, that in the diocese of Oxford—not owing to any want of energy, zeal, or ability, on the part of its bishop, as those who most differ from the right rev. Prelate's opinions must freely acknowledge, but from the rural character of the diocese—the very system of education now under discussion has

*The Bishop of Oxford*

made less progress, perhaps, than in any other part of the country. It is stated in the Report of the Commissioners that out of the whole number of parishes in that diocese—comprising, I think, 350—only twenty-four have schools conducted upon the system which has been so much praised by the right rev. Prelate. The real excuse for the right rev. Prelate is, that no one can better state the objections against the Government proposition. I rejoice that all that can be said against it has been said; and certainly when you are opposed by persons of considerable power, it is some mitigation of your fate to know that they do not quite agree among themselves. It is clear, for instance, that the right rev. Prelate is not in accord on this question with the noble Earl opposite (the Earl of Derby), who does not oppose the principle of the Revised Code; nor is he exactly in harmony with the noble Lord (Lord Lyttelton), who has given notice of a series of Resolutions on this subject. I quite concur, therefore, that this House ought not to come to any hasty decision on the matter.

The first question with which the right rev. Prelate grappled was, whether there is necessity for economy in respect to the educational grant. He stated, very fairly I think, that the present system might be carried out at a cost nearer £2,000,000 than £3,000,000 sterling per annum; and that, considering the enormous importance of the education of the lower classes compared with the expense of defending ourselves against an external foe, he thought that sum was not too large for its object. Now, if it be impossible to educate the people without spending £2,000,000, and if those £2,000,000 will produce the desired result in the most efficient manner, I shall be quite as ready as the right rev. Prelate to advise the expenditure of that sum. But that is not the real question, which is this, whether this cannot be done, and done even more efficiently—for that is the whole gist of the matter—for a smaller outlay than the present, an outlay more under the control of Parliament, and producing more satisfactory results than those now realized. The right rev. Prelate then spoke—and I confess I was much surprised to hear it—of the immense value of the voluntary principle, of the enormous advantage of local management, and of not concentrating in the Government all the power to be applied to the education of the people. Hear, again, I entirely agree



with him. But almost the chief characteristic of our proposal was, that instead of having something like 40,000 persons engaged in the work of education, whose number is increasing every year, directly connected with the Central Government, and that Government interfering with every possible detail of the application of the grant, there should, on the contrary, be more power and responsibility lodged with the local managers, who best understand the circumstances and requirements of their districts. The right rev. Prelate next referred to the Inspectors. I can personally bear witness to the immense service which these gentlemen have rendered to the cause of popular education. And after what we have heard as to the kind of occupation it would be for an intellectual man to have to examine children of 9 or 10 in reading, writing, and arithmetic, I must say I think that for the mere examination of a small school intended for the education of the labouring classes it is not absolutely necessary to employ senior wranglers and first-class men from Oxford. They are not needed for that part of the work. The chief good which these gentlemen have done has been in winning over the clergy and the landed proprietors of the country to the cause of the education of the poor, by the influence of their authority, attainments, and position, and in showing them the best means of giving real effect to their efforts. With regard to what the right rev. Prelate calls the drudgery to be imposed on the Examiners, it is quite impossible, whatever may be the nature of the examination, that it should not be in some degree fatiguing both to mind and body of those who conduct it; and the reward of the clergy as well as of their lay brethren for acting in that capacity must be the consciousness of having discharged a duty and aided a work of great national importance. In commenting on the details of the proposed scheme, the right rev. Prelate dwelt very much upon the grouping of the children by age, and said that nobody who was practically acquainted with the working of the schools would have thought of recommending it. Now, I should be very glad if any person who is practically acquainted with the working of the schools would suggest an alternative and better mode of action—always supposing that you really intend to test the individual accomplishments of the children. The right rev. Prelate drew a partly pathetic and partly

comic picture of that celebrated dunce, sometimes represented as a male and sometimes as a female, who is physically incapable of learning, and who leaves school at about 9 or 10 years old. Now, I quoted a speech of Lord Stanley the other day, and also a memorial from a body of which the noble Earl (the Earl of Shaftesbury) is a distinguished member, which bore testimony to the great fact—a fact which is beyond all dispute, and which has been fully recognised by the Royal Commissioners as well as by the department with which I am connected—namely, that, setting aside exceptional cases, the great mass of the children of the labouring classes do leave school when between 9 and 10 or 11 years of age, and that it is quite impossible to keep them there any longer in opposition to the claim of their parents upon their earnings. Surely, then, this celebrated dunce, who is only one child out of a hundred, is not so important a person that the State should be called upon to incur an enormous expense for his or her education. Then we come to the subject of evening schools. Ever since my attention has been officially directed to the question of popular education the conviction has grown upon me that the only solution of the problem how to give education to the children of the working classes, and at the same time enable them to do that work which, whether we will or not, they are sure to do, is by encouraging evening schools. The right rev. Prelate says we are going to destroy the evening schools, and to do what happened to the Sunday schools in consequence of the changes made in the day schools. Now, I have always understood that Sunday schools preceded by many years, and with the happiest effect, the establishment of day schools. But we are told, “You will destroy the evening schools, because you will get there fine young fellows of 18 or 19, who have forgotten almost everything they learnt at the day schools; and they will be so discouraged by the superior attainments of children of 13 that they will go away altogether in disgust.” The case of these young fellows would, I apprehend, be very much like that of the pupils of the dancing master or the fencing master, who are often told by their teacher that he could really instruct them much better if they knew nothing at all than if they have learnt something before, but have not quite unlearned it all again. The real good to be done in the work of popular edu-

cation is to be done by making the evening school a sort of continuation of the day school. It is by establishing a connection between the two that the scholar will be prevented from forgetting what he has previously acquired. The next part of this subject is the training colleges. Some of the arguments which the right rev. Prelate used with reference to that subject seem to me to be of an extremely dangerous tendency. He appealed to political economy, a science of which I am glad to say that schoolmasters have some knowledge, and said that the proper thing to do was to leave the article to find its market value. But how is that market value to be ascertained by the Government paying 80 or 90 per cent of the cost of producing the article, and then selling it in the market for nothing? If that process is to be carried on for years and years, it seems to me that this is an argument which the masters—at least those who have studied political economy—will not at all appreciate. Another argument which seemed to me to be very dangerous in regard to the influence which our debates have upon public opinion, and upon opinion in another place, was, that for the benefit of the training colleges, and to support them, every part of the old system ought to be maintained. I do not think that that argument is likely to tend to the advantage of training colleges, which, under proper regulations, have been and will be most useful institutions.

Having summed up all he had to say against the Revised Code, the right rev. Prelate urged, that if changes were to have been made, they should not have been made in so hurried a manner. I cannot think that the manner has been so hurried, and certainly the result has shown, that if a change was to be made, it was necessary to make it as soon as possible, and not to defer it until a time when it would have been impossible to introduce it, on account of the great number of persons who would have fancied that they had some sort of vested interest in the existing system. I think, that when at the request of Parliament a Commission has been appointed to inquire into a subject; when that Commission has sent its emissaries into every part of the country, and has sat for three years; when it has reported in March, and a plan has been brought forward five months afterwards which cannot come into operation for another year, there is no undue haste, or indeed any, of which

*Earl Granville*

those most interested in the existing system have a right to complain. I do not wish to speak longer to night, because I think that the more convenient time at which to discuss the details of this measure will be when it is brought formally before your Lordships by the Resolutions of the noble Lord (Lord Lyttelton). I shall be happy to hear anything which any noble Lord may have to say, or to give any further explanation which may be required; but, so far as I am concerned, I think that it would be injudicious, and not agreeable to your Lordships, that I should go further into the subject. I will only add, that nothing that has passed has shaken my conviction that at an opportune moment we have brought in a measure of which the principles are just and good, and which is favourable to the propagation and extension of those really sound elements of instruction which are most appreciated by parents, which are most useful to children, which do not interfere with the acquisition of habits of order and discipline, or of that more extended knowledge which we shall be happy to see taught in schools if the managers see fit, but which are so thoroughly essential to the education of the children of the labouring classes of this country.

THE DUKE OF MARLBOROUGH said, that as there appeared to be a general desire that this subject should not be discussed that evening, and as the question must come forward again, he would not detain their Lordships at any length, but he must say that he did not think that the noble Earl had in any manner answered the grave charges and objections which had been brought forward by the right rev. Prelate. As to the introduction of younger children into the night schools, his right rev. Friend had no desire that those children should go without education; but he had contended, and with reason, that their admission into evening schools would diminish the attendance of those for whom such schools were specially intended. One grave objection to the new system was, that instead of the education of the country being conducted as heretofore religiously and conscientiously, it would introduce into it a mercantile spirit—that there would be a danger of its engendering and fostering a feeling in the minds of schoolmasters which would induce them to look upon their pupils as having a certain money value, and to neglect those whose instruction was not



likely to be remunerative. The school-master's pecuniary interests rather than the moral training of the child would be rather attended to. It would also prevent managers from giving to the schools that constant notice and attention which they had hitherto bestowed upon them, and would expose teachers to the temptation—one which he hoped and firmly believed would never be yielded to, but which would nevertheless exist—to falsify returns in order to secure money payments. The money payment might be forfeited for a thousand and one causes over which the teacher had no control. A parent might, out of some motive of pique or spite, prevent his child from being present on the day of examination; or a child, in order to be revenged upon his teacher, might refuse to answer any questions which were put to him. He hoped that their Lordships and the other House of Parliament would pause and thoroughly consider this question before they determined to adopt a system which he believed would seriously impede and obstruct the great work of educating the independent poor of this country.

THE EARL OF DERBY:—I think the House and the country are deeply indebted to the right rev. Prelate for having brought forward the important subject of the new Code of Education in a manner which commands itself to the admiration, if not the assent, of all your Lordships. That right rev. Prelate has spoken with a power of language which few who heard him can presume to emulate—with an influence of language all the greater because it is evidently used to express convictions founded upon a thorough knowledge of the subject which he has brought to your attention. I will not presume to weaken the effect of that most powerful address by attempting, in the present state of the House, and seeing the general desire which exists that the subject should be discussed on another occasion, to enter on any portion of this great subject of education. I only desire to call your Lordships' attention to the fact that the speech of the right rev. Prelate is of eminent value from its deeply suggestive character—not however exhausting the subject, but, on the contrary, showing to your Lordships, and to the country at large, how extensive, how wide is the field, how multifarious the considerations involved in the decision to which both Houses are invited, and of what vast importance in their ultimate results must be those portions of the scheme of educa-

tion which are regarded by the noble Earl opposite as mere details, but each of which nevertheless involves principles of the greatest magnitude and of the highest interest to the country at large. I confess I heard with some surprise the statement that there must be considerable difference of opinion between myself and the right rev. Prelate on this subject, inasmuch as I had, on a former occasion, expressed my approbation of the principle of the Revised Code. I do not remember ever expressing such approval of the Revised Code. What I did say with regard to the re-Revised Code of Education of the Committee of Council on Education was this:—I stated that, so far as I could judge—so far as the alterations in the re-Revised Code were concerned—those alterations were in the right direction. That was the highest amount of approval which, to the best of my recollection, I ever bestowed on any part of the Revised Code.

EARL GRANVILLE:—I must take the liberty of reminding the noble Earl that he stated that he regarded the Revised Code as a Bill which was entitled to be read a second time, although there were details in it to be discussed in Committee. The second reading of a Bill I have always understood implies approval of its principle—the details are to be considered in Committee.

THE EARL OF DERBY:—I am much obliged to my noble Friend for explaining how he has so entirely misapprehended and misrepresented my views on the subject. I am happy also that he has called my attention to the particular cause of his misapprehension, as it affords me an opportunity of saying a few words on a subject which I consider of great importance. I was just saying that I considered the right rev. Prelate had done good service by the suggestive character of his speech, and by showing the mass of details contained in the new Code, all of which were of the highest importance, but which it was impossible in a loose and cursory discussion to do justice to, or for the country to come to a right conclusion. But my noble Friend reminds me that on a former occasion I stated my opinion that in proceeding to consider this Code it would be desirable that our proceedings should be analogous to those of the House of Commons and of your Lordships' House after the second reading of a Bill, when its several provisions are separately discussed in Committee. Assuming that this House was

prepared to receive the Code laid on the table by the Government as a Bill which had passed the second reading, the course I recommended was the taking up of the several portions of the whole scheme—the whole enactment, if I may so say—and considering them *seriatim*, as you would consider the clauses of a Bill in Committee. Well, I confess that, after all I have seen, after all I have read, after all the conversation I have had, I am confirmed in my opinion that the proper course of proceeding would have been for the Government to have placed the whole scheme before the House embodied in Resolutions, on each of which the two Houses might have been able to enter on a separate discussion, and on each of them come to a definite conclusion. That is a course which on a former occasion was pursued in “another place” by the noble Earl the Secretary of State for Foreign Affairs, when he introduced a system of education. He laid before the House of Commons a series of twelve Resolutions, to which, separately, he invited the consideration of the other House. [Earl GRANVILLE: That would have required a Bill.] I heartily wish that a similar course had been pursued on the present occasion in both Houses, so that the scheme might have been exposed to the criticism which a Bill receives in every stage of its progress—not decided by a hostile vote to a proposition of the Government, but criticised and discussed along the whole deliberate course of proceedings in progress through both Houses, and the result of such mature deliberation forming the foundation of a legislative measure. If the Government earnestly desire—not to save themselves trouble, not to pass an imperfect, ill-considered scheme—but to co-operate with the two Houses of Parliament for the purpose of carrying through, with general assent, a measure which must be felt to be a great improvement upon the existing temporary, tentative system, I say they would have offered spontaneously to your Lordships and the other House the best and the simplest means of discussing every detail; and I say it is a proof of the sense which the Government entertain of the weakness of their own proposal, and of their inability to stand the test of criticism, that they have laid on the table a whole Code as they propose to have it passed, without affording an opportunity for either House to criticise its separate and detailed provisions. Why, take any important mea-

*The Earl of Derby*

sure of legislation intended not for temporary but for permanent purposes, which should be calculated to exercise not perhaps a twentieth part of the influence which this measure must have on generations yet unborn—suppose the noble Lord on the Woolsack had placed the Bankruptcy Bill on the table—had placed it there as a whole, and told you it was competent for you and the other House to take one vote whether you would have that Bill or none at all—I ask what would have been the feeling of Parliament and of the country if such a course had been taken—if such a mode of proceeding had been adopted, utterly unfitted for sifting the defects of the measure? And yet I do not hesitate to say that, important as that Bankruptcy Bill of the noble and learned Lord on the Woolsack was, it shrinks into insignificance—nay, into nothingness—in comparison with the influence, for good or for evil, of the passago of this Revised Code for Education. I therefore regret that Her Majesty's Government did not give us an opportunity of discussing the enactment—for such it is—of discussing this Code clause by clause, and coming to a deliberate decision on all the important points which the right rev. Prelate has so ably and with so much power and eloquence laid before you. I rejoice to think that in the other House, if not in this House, the several provisions of this measure are likely to undergo a greater amount of discussion than Her Majesty's Government appear to have proposed to themselves. I concur with what fell from the right rev. Prelate that, as the case stands at present, it would be more expedient that we should learn from the discussion in the other House the views of that House regarding the several provisions of the Code before we proceed to fetter and bind ourselves down by abstract Resolutions, from which we should have no power to depart; and therefore I would add to the earnest recommendations of the right rev. Prelate that the noble Earl should for a time abstain from asking your Lordships to come to any decision on those points. I do think it is important that, at some time and in some manner, the Houses of Parliament should have an opportunity of pronouncing—not a judgment on the whole measure by abandoning the Vote for any educational purposes, which might be the alternative presented by the Government—but I think it is most important that most frequent op-



portunities should be given for enlarging on and discussing the various points which the right rev. Prelate has brought under our consideration to-night. In the absence of any Government Resolutions such as I have adverted to, the next most expedient course appears to me to be, that the salient points of this measure should be brought under the consideration of the House in the form of Resolutions; and I rejoice to find that—not, however, without some hesitation—not without some vacillation, which appeared to me somewhat extraordinary—Her Majesty's Government have consented that the House of Commons should go into a Committee of the Whole House to consider certain Resolutions on the subject. But in doing so I think the Government have abdicated a portion of their own functions, because they have cast upon others a task which they should themselves have undertaken. The most straightforward course would have been for the Government themselves to have prepared Resolutions in such a manner as to enable Parliament to pronounce an opinion upon them. There are many leading points, especially those mentioned by the right rev. Prelate, which would strike the minds of many as those on which the greatest amount of deliberation was necessary, and on which it is most important that the opinion of Parliament should be pronounced; but there are a vast number of minor details, not insignificant in themselves nor unimportant in themselves, but which are not of a magnitude to render it necessary to ask the opinion of Parliament on them. Every Amendment which may be suggested, and which meets the assent of Parliament, the Government would, of course, insert in the Resolutions. Still, even supposing the scheme to be taken with the Resolutions and Amendments suggested, it would still result in a very imperfect work, because of the minor details which might be overlooked. I shall not now trouble your Lordships further, more especially as my noble Friend opposite (Earl Granville)—perhaps conscious of the weakness of the case he has to support—has not given the slightest answer to the objections in principle—to the prominent objections in principle—raised by the right rev. Prelate. The noble Earl has not shown how the great evils pointed out by the right rev. Prelate would be obviated. He has not shown that they will not be even increased and aggravated by the provisions of the

Revised Code. It would be almost indecent to go into the details of that speech of the right rev. Prelate. I only hope that it will go forth into the country—it cannot go forth into the country with the power and force with which the House has listened to its eloquence—but I hope the substance, the suggestions contained in that eloquent speech, will go forth to the other House of Parliament and to the country; for to the one and in the other it will show, beyond the possibility of doubt, the vast importance of the question with which we and they have to deal; the evil which may afflict the country if the question is dealt with as proposed by the Government—the absolute necessity for the deepest consideration and the greatest pains-taking revision—if they do not wish to weaken or abolish much of the good which has been effected during the last fifteen or twenty years; and if they do not wish, by hasty and inconsiderate legislation, to bring on the country not a blessing but a curse—to destroy the blessing which the country has derived and may probably derive in a still greater degree—if only certain modifications and improvements are made in the present system—if they will persevere in that course from which we have derived great advantages, in which we have only made our first steps and experiments, but from which every year, if there is no rash interference, you may reap a largely-increasing benefit.

THE DUKE OF ARGYLL said, that he concurred with the noble Earl in admiring the extreme ability and force of the speech with which the right rev. Prelate had introduced this subject to their notice; but he was reminded of the advantage which members of a sacred profession enjoyed in the pulpit of putting their opponent's arguments in their own words, and thus facilitating the task of demolition. No later than Sunday he listened to a sermon in which an elaborate definition of Calvinism was given by the preacher; but he (the Duke of Argyll) did not recognise it as any sort of Calvinism which had ever been taught in Scotland; however, there was no one there to contradict it. Upon the present occasion the right rev. Prelate had taken most extraordinary liberties with the arguments which were supposed to be held by his opponents, and pointed out what were the grounds of objection to them. The right rev. Prelate stated that the new Code was founded upon the supposition that under the present system

there was over-education ; and then he said that in order to get rid of this evil they were about to lower the standard of examination. This, however, was not the fault, or one of the faults, objected to the present system—and he entirely omitted to notice, except perhaps inferentially, that the main accusation against that system was, that three-fourths of the children of the poor received no education at all which they were able to retain for a single year after they had left school. The speech of the right rev. Prelate was able, elaborate, poetical, and, like all his speeches, ingenious, because he contrived to deal with this great question without alluding to the fact that the Royal Commission, for the appointment of which the noble Earl (the Earl of Derby) deserved the thanks of the country, betrayed to the country the alarming fact that, with the great sums annually provided, they did not succeed in educating to any practical result three-fourths of the children of the poor. The right rev. Prelate ought, at least, to recognise the fact that the report of the Commissioners was not that the children were over-educated, but under-educated—not that the examination was too high, but that there was no examination at all. Such was the proposition and statement of the Royal Commission, and the whole question was whether the new Code was fairly directed towards remedying the evil. The children of the poor did not attend school after they were ten or eleven years of age ; and if they had not learnt to read and write before they left school, they left absolutely without the means of self-education and self-improvement. It was no light accusation which the Commissioners brought against the present system. It was a fundamental objection that it failed to give that education without which all other gifts were useless. The right rev. Prelate had dwelt on the advantages of moral and religious education ; but what security had the country that the children would carry away with them religious and moral education when the mere mechanical art of being able to read the Bible and Prayer Book was utterly lost, in a very short time after they left, through a deficiency in the education which they had received ? He maintained that, as a rule, moral and religious influences would have no permanent hold upon children who neglected to acquire the ability to read, write, and cipher ; and that, on the other hand,

*The Duke of Argyll*

where the time of the children was well employed in learning to read, write, and cipher, moral and religious teaching was more likely to have a lasting influence. But, whether that was so or not, the children would at least be provided by the State with the means of self-improvement and self-education. With regard to the observations which had been made upon the manner in which the Government had dealt with the subject, he had full confidence that it was the desire and intention of the noble Earl (the Earl of Derby) to keep the question separate from anything like party influences. The noble Earl had avowed that intention on the first night of the Session ; but he (the Duke of Argyll) confessed he thought the almost excited tone in which the noble Earl had spoken that night had rather an ominous sound about it ; and when the noble Earl complained that the Government did not proceed by Bill or Resolution, he must surely have forgotten that the system was originally founded upon Minutes of Council, subject, of course, as every act of the Executive must be, to the approval of Parliament. It was too late to blame the Government for having done precisely that which every other Government had done, and which, he presumed, the noble Earl contemplated might be done when he appointed a Royal Commission to inquire into the practical operation of the present system. He approved of the grant being distributed through the medium of the different denominations, and also in such a manner as best to stimulate private charity and local efforts. These were the two fundamental principles of the Code, though innumerable alterations had been made at different times in the manner of carrying them out. The Royal Commission had distinctly shown that the system was not producing all the effects which were hoped from it, and it was the bounden duty, therefore, of the Government at once to endeavour to remedy its deficiencies.

THE EARL OF DERBY explained : The noble Duke (the Duke of Argyll) seems to think it inconsistent in me to suggest proceeding by Bill or Resolution, when the present system was established originally by Minutes, and altered continuously by Orders in Council. My answer is simple. That up to the present time the system has been avowedly experimental and tentative. We have now a great change proposed, which would materially alter the



existing system, and introduce many new principles and provisions; and we now have it announced by the Government, that there is, for the first time, a cessation of a temporary system and the introduction of a permanent one—and I say, though we may be satisfied with the result of the experimental system of education, varying slightly from time to time; yet when we are going to take steps for founding a permanent system the greatest precaution should be taken, and just opportunities should be afforded to Parliament to decide what the alterations should be. In many most important points the plan of the Privy Council differs distinctly from that of the Royal Commission; and in none more than in the point adverted to by the right rev. Prelate. Nothing can be more distinctly laid down than the proposal by the Commission that there should be two separate systems of remuneration. I do not dissent from the noble Duke's statement, that the Royal Commission has laid it down that reading, writing, and arithmetic have, in many instances, been neglected; what I do dissent from is, the noble Duke's statement that the Commissioners have reported that the education of the people under the system of Parliamentary grants, had been a complete failure. So far from this, the Royal Commission distinctly state, that with regard to a great portion of the schools, even on the very points adverted to, the children have been taught in a satisfactory manner; and the Commissioners speak in the highest terms of the practical results which have ensued from the labours of the teachers and managers, and from the visits of the Inspectors. I am surprised the noble Duke should have confounded reading, writing, and arithmetic, with education, and that because these have been imperfectly taught in some instances, therefore the system of education has been a failure. I hold, that though children may leave one of these schools with an imperfect knowledge of the important but secondary matters of reading, writing, and arithmetic, they will still have gained immense advantages from the school by the habits of order, discipline, cleanliness, and respect for those in authority over them; and that the fruits of good training would be discernible, and they would probably be influenced in some degree with a desire to fulfil their duty faithfully and honestly in that state of life to which it should please God to call them.

THE DUKE OF ARGYLL denied, that he had represented the Commissioners to have reported that the present system of education was a failure; what he had said was, that they had stated that three-fourths of the children of the poorer classes were not so instructed in reading, writing, and arithmetic as to retain any knowledge of those matters after they left school.

THE BISHOP OF OXFORD said, he did not intend to occupy much time in reply. The noble Duke had accused him of putting words into the mouths of his opponents; but the noble Duke himself had certainly attributed language to him which he had never uttered. He had never said that the New Code was founded on an opinion that there had been over-education under the present system. What he did say was, that it was founded on a statement that a large proportion—three-fourths—of the children of the poor left school without knowledge which it was most important for them to possess; and having done that, he proceeded to show why the particular mode adopted by the Government would increase instead of diminishing the evil; that this was a retrograde movement, that it would give worse teachers, and afford the taught a shorter time for instruction. The great reason of that evil was not in the schools—for the Commissioners had never said so—but that soon after they left they forgot their reading, writing, and arithmetic, because they left too early, and as there had not been created in their minds a sufficient estimate of the value of those attainments; and this new scheme would aggravate the evil. The noble Duke had communicated to their Lordships that some unknown preacher, in some unknown church, in some unknown part of the metropolis, had misrepresented the arguments of somebody else; and if next Sunday this unknown preacher should repeat the process, he would be able to say, "I have done no more than a noble Duke did in his place in Parliament, when he refuted an argument which was never adduced."

EARL GRANVILLE said, he certainly recollected having heard the right rev. Prelate make use of an argument founded on the assumption of over-education.

Petitions ordered to lie on the table.

House adjourned at Eight o'clock,  
to Thursday next, half-past  
Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, March 4, 1862.*POOR RELIEF IN SCOTLAND.  
QUESTION.

SIR FREDERICK HEYGATE said, he wished to ask the President of the Poor Law Board, On what day the Lord Advocate of Scotland will introduce the Bill, as promised last Session, to extend to Scotland the provisions of the "Act to amend the Law relating to the Removal of Poor Persons to Ireland, 1861"?

MR. C. P. VILLIERS replied, that the Lord Advocate was in communication with the Poor Law authorities on the subject, and such a Bill would be brought in.

## THE CURRAGH CAMP.—QUESTION.

MR. BRUEN said, he wished to ask the First Commissioner of Works, Whether there is any objection to provide a place of recreation for the Officers and Soldiers at the Curragh Camp, by inclosing a suitable piece of ground for a Cricket Ground, in such a manner as to prevent Artillery and Cavalry from crossing it?

SIR GEORGE LEWIS said, that there was no objection on the part of the War Office; but the assent of the Commanding Officer must be obtained.

## PUBLIC STATUES.—QUESTION.

SIR JOHN SHELLEY said, he desired to ask the First Commissioner of Works, Whether any application has been made for permission to erect a Statue of the late Mr. Joseph Locke, in the Gardens near St. Margaret's Church, Westminster, in which the Statue of George Canning is placed; and, if so, whether he has granted or refused his consent thereto?

MR. COWPER replied, that some of the friends of the late Mr. Joseph Locke desired to erect a Statue to his memory, and had offered to place one in the vacant space near the end of Great George Street, provided that such a site could be appropriated for the purpose; but it had become his duty to state to those gentlemen that he was unable to offer them the site to which they alluded.

ITALY—MURDER OF DR. M'CARTHY  
AT PISA.—QUESTION.

MR. CAVENDISH BENTINCK said,

he wished to ask the Under Secretary of State for Foreign Affairs, Whether the murderer of Dr. M'Carthy at Pisa has been arrested and committed to take his trial; and, if not, whether the authorities in Tuscany or the British Consul at Leghorn have done their utmost to bring the offender to justice; and whether he will lay upon the table Copies of all Communications which have been addressed by British Diplomatic Agents and British Residents in Italy to the Government of Turin on the subject of Dr. M'Carthy, and the Replies thereto?

MR. LAYARD said, that the circumstances under which the unfortunate Dr. M'Carthy had been murdered were well known. Immediately after the attack on him, the murderer and his accomplices were arrested. He would avail himself of the present opportunity to contradict a report which he had seen in the public press, to the effect that there had been an omission in not taking the murderer into the presence of Dr. M'Carthy that he might be identified. It had been proposed to adopt that course, but the public authorities at Pisa considered that there had been a sufficient identification, and they did not wish to put Dr. M'Carthy to the pain which such a proceeding might cause him. Immediately after the murder was made known to Baron Ricasoli he expressed himself in such a manner as those who knew him might have expected. The English residents at Florence and Pisa met soon after the occurrence. Their proceedings were characterized by an excitement which, under the circumstances, was, perhaps, but natural. However, the Italian authorities had done everything that was to have been expected. The prisoners had been sent to Lucca, where they would be tried and, no doubt, punished as they deserved. The memorials referred to by the hon. Gentleman had already been published; and he did not think it necessary to lay them on the table. No representations to the Italian Government were necessary, as they had shown their readiness to act with efficiency in this melancholy affair.

THE OUTRAGE ON ITALIAN OFFICIALS  
AT MALTA.—QUESTION.

MR. MACEVOY said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether any information has been received that, previous to the late



alleged outrages and insult being offered to the dwellings and persons of the Italian Consul and of Signor Fabrizzi, Deputy to the Italian Parliament, on the 9th and 10th of February, at Malta, the editor of the *Portafoglio Maltese*, Mr. Debono, had not been assaulted and severely beaten with a bludgeon in his own house by Captain Dini, of the Sardinian man-of-war *Mozambano*, assisted by his Lieutenant and some of his sailors; and whether Captain Dini and his Lieutenant had not been sentenced to imprisonment, the Captain to three months and his Lieutenant to two months, and whether the Government have made any representation to the Sardinian Government in consequence of these proceedings?

MR. LAYARD regretted to say that the circumstances mentioned by the hon. Gentleman had been proved. Captain Dini and his Lieutenant, feeling themselves aggrieved by some articles that had appeared in the *Portafoglio Maltese*, called on the editor, entered his room in presence of his family, and beat him with a stick very severely. The Captain and the Lieutenant were tried by the authorities and sentenced—the former to three and the latter to two months' imprisonment, which was afterwards commuted to a pecuniary fine. Her Majesty's Government had called the attention of Baron Ricasoli to the act as one unworthy of Officers in the Italian Navy.

#### THE PUBLIC ACCOUNTS.—QUESTION.

MR. W. WILLIAMS said, he wished to ask Mr. Chancellor of the Exchequer, Whether he intends to bring in a Bill this Session relating to the recommendations of the Committee on Public Monies of 1856?

THE CHANCELLOR OF THE EXCHEQUER said, that the recommendations of the Committee on Public Monies, appointed in 1856, were very varied and very numerous, but he did not think there was any one of them which the Treasury could be disposed on principle to dissent from. But as his hon. Friend had asked him the question, he might state to the House the position in which those recommendations stood—which of them had been applied in practice, and which of them had not been carried fully into effect. He would also embrace in his answer the recommendations of the Committee on Public Accounts, which last Committee was itself the offspring, through the intervention of the

House and the Government, of the original recommendations of the Public Monies Committee. He might say that all had been done which depended on the sole action of the Treasury. There had been various measures to be taken with regard to the audit of accounts which depended on the Treasury. These had been taken, including an arrangement by which, for the future, the whole subject of civil contingencies would be managed. Those subjects had been disposed of by an Act of the last Session. The new arrangement of the Treasury chest, the recommendations of the Public Monies Committee with respect to Exchequer Bills, and the annual communication of all grants on behalf of the Revenue Department, were subjects that had been dealt with by Act of Parliament. There were four other subjects. One was with respect to the income arising from Crown lands—a recommendation that it should be paid in gross into the Exchequer, and that the expenditure for the Crown lands should be sanctioned by that House. That recommendation would require an Act of Parliament, and it rather pertained to the period at the commencement of a new reign, when arrangements were made with the Sovereign for the whole reign. The next subject was that respecting the mode of Exchequer issues. The Committee had made a recommendation on that subject which had been carried into effect. No Bill had as yet been presented to obtain the sanction of the Legislature to the new arrangement; but the Government intended to take an early opportunity of submitting such a measure. The next recommendation was with reference to the issue of Deficiency Bills and a new mode of arrangement in respect to advances that might be required from the Bank of England. That was a subject which the Government had under consideration with the view of proposing a Bill to Parliament. The only other recommendation related to the mode of presenting the Miscellaneous Estimates from year to year. The Government were desirous of giving effect to it, and hoped to be able to submit the Miscellaneous Estimates for the present year in the new form.

SIR FRANCIS BARING said, that some doubt had arisen, though not in his mind, as to whether it was the intention of the Government to give effect to the recommendation that the Committee on Public Accounts should be appointed annually.

THE CHANCELLOR OF THE EXCHEQUER: I did not express myself in my former answer with sufficient clearness; but when I stated that the Committee on Public Accounts was the offspring of the Committee on Public Monies, I meant to imply all that my right hon. Friend has alluded to. I think the annual Select Committee on Public Accounts is an essential part of the duty of this House in voting the public money.

LORD ROBERT MONTAGU said, he wished to know whether the right hon. Gentleman's attention had been called to the last Report of the Committee on Public Accounts, in which it was stated that the system of auditing the Public Accounts was very unsatisfactory, and that while that system continued such, a Committee would be a delusion and a blind.

THE CHANCELLOR OF THE EXCHEQUER said, that whatever recommendations as to the audit of accounts depended on the action of the Government had been adopted. With respect to prospective improvements, he thought that the appointment of the Committee on Public Accounts from year to year would be the best method of insuring their adoption.

#### ASH WEDNESDAY — ADJOURNMENT OF THE HOUSE.—OBSERVATIONS.

VISCOUNT PALMERSTON: Sir, according to our usual custom this House would not meet to-morrow, being Ash Wednesday, until two o'clock. I understand that the Orders of the Day which were on the paper for to-morrow have all been postponed until another day, and therefore, as there is no public business that requires this House to meet to-morrow, it would probably be more convenient to the House, when it adjourns to-day, that it should adjourn until Thursday. Committees on private business, however, will meet, notwithstanding the adjournment of the House. I will therefore move that this House at its rising do adjourn until Thursday.

#### ADDRESS OF CONDOLENCE FROM MAYNOOTH COLLEGE.—QUESTION.

Mr. WHALLEY said, he trusted the House would allow him to avail himself of that opportunity to put the question which stood in his name on the paper, and which was, to ask the Chief Secretary for Ireland whether he took any and what means to

*Sir Francis Baring*

ascertain whether the Address of Condolence lately presented to Her Majesty, purporting to emanate from the President, Superiors, and Students of Maynooth College, did in fact emanate from those persons? The address to which he alluded appeared by the public journals to have been presented to Her Majesty. He confessed that it did occasion in his mind great surprise that such a document should either have emanated from the college, or that it should have been presented to Her Majesty if it did not emanate from it. Since that time he had received various communications respecting that address; and much surprise had been expressed that an address of condolence should have been presented to Her Majesty, making it appear that the College of Maynooth was in fact a loyal institution, which would be entirely at variance with the statements that he had felt it his duty on former occasions to make to the House, and which had also been made to the House on authority so much greater than his. [*Cries of Name, name!*] The hon. Member for North Warwickshire. Now, if the House would allow him, he would give better authority for his statements than his own or that of the hon. Member for North Warwickshire. He had put the notice on the paper in consequence of the rumours which had reached him, and which he had endeavoured to verify before he put the question. Those rumours had been embodied, and to some extent confirmed, by a declaration contained lately in a newspaper called the *Nation*. ["Oh, oh!"] He did not quote that paper on account of its authority, but for the convenience of quotation. The declaration purported to be written on behalf of the students of Maynooth. The writer stated, speaking of the address, that the framers of the address had no authority whatever from the students to speak their sentiments, and they had gone in direct opposition to the wishes as well as to the sense of the community. The students therefore thought it proper to dissociate themselves from the framers of the address; and though it was not their province to condemn, they might be permitted to withhold their approbation of an act which, as far as it included them, they utterly disavowed. The address, the writer went on to say, was read before the entire body of students had re-assembled, and also at a time and in a place of solemn character which secured it from a reception which otherwise it



would assuredly have met with. As it was, it was received with the strongest marks of disapprobation that piety or decorum would permit. The letter concluded with the expression that with these convictions the students could not so far give the lie to their conscience, or be capable of such meanness as to declare they felt sympathy when in fact they felt none. [*Cries of Name!*] "Maynooth Student," [*Renewed cries of Name!*] He had no name to give. If the right hon. Gentleman doubted that the letter did truly represent the state of feeling at Maynooth, which was one of utter disloyalty—in fact, the very hotbed of disloyalty—he could assure him that he would not have read it unless he had taken means to satisfy himself that it did truly represent the sentiments of the students at Maynooth. In proof of that he would read an extract from the evidence given before the commission appointed at the instance of the hon. Member for North Warwickshire to inquire into the teachings, &c., of the college. That evidence showed that at the College of Maynooth the very keystone of the whole system was direct and positive disloyalty to the Sovereign of these realms. That was embodied in the evidence of four or five witnesses. One witness (Mr. W. J. Burke) said, that both open and disguised disloyalty were inculcated at Maynooth. He (Mr. Burke) used, when there, to be thirsting, and desiring and praying for the destruction of the British Empire, solely because it was Protestant. He added that those were not only his own feelings, but the feelings of all the students. This teaching even pervaded the amusements at Maynooth. He (Mr. Whalley) would read to the House a song which was sung, "Columbia's Banner," [*laughter.*] He thought it necessary to read this in justification of the question which he wished to ask. [*Cries of Sing, sing! and laughter.*] Any hon. Gentleman who desired to sing the song could have the book.

"Columbia's banner floats on high,  
Her eagle seizes on its prey;  
Then Erin wipes her tearful eye,  
And cheers her hopes on Patrick's Day."

There were only two more lines.

"The toast we give is Albion's fall,  
And Erin's pride on Patrick's Day."

Such were the amusements of Maynooth. The evidence of the disloyalty of the institution was before the right hon. Gentle-

man, and he wished to ask him whether he took any care to ascertain that the address of condolence did really emanate from Maynooth, or whether it was not an actual forgery, a mere pretence, an insult to Her Majesty, and calculated to deceive the public?

Mr. NEWDEGATE wished to say, that as the hon. Gentleman had stated that he had put his question partly on his authority, he would excuse him for saying that although he was prepared to abide by all that he had ever stated on the subject of Maynooth, and although he would not dispute the grounds on which the hon. Gentleman had put his question, yet he knew nothing of the matter that the hon. Gentleman had brought before the House.

Mr. WHALLEY said, he had not alluded to the hon. Gentleman who had just spoken, but to the other hon. Member for North Warwickshire (Mr. Spooner).

SIR ROBERT PEEL was sure it was unnecessary for the hon. Gentleman (Mr. Newdegate) to disclaim having anything to do with the question before the House. He was not aware that it was the intention of the hon. Gentleman to inaugurate a new debate on Maynooth, but he was prepared to answer his question. He would only say that the Address of Condolence was forwarded from Maynooth to the Home Secretary, and dealt with in the usual manner. The rumours which had reached the hon. Gentleman had not come to his ears, and he had no reason to doubt the loyalty of the students of Maynooth. In proof of the authenticity of the Address of Condolence, he held in his hand a letter from Dr. Russell, written from St. Patrick's College, and addressed to his right hon. Friend the Home Secretary—

"I have the honour to transmit to you by this post the dutiful Address of the Scholars of the College to Her Gracious Majesty the Queen—an Address of Condolence on the death of the Prince Consort, and to request that you will present it to Her Majesty on their behalf."

That letter was, he thought, a complete answer to the question of the hon. Gentleman.

MR. BERNAL OSBORNE:—Sir, I will say nothing about the good taste which has induced the hon. Member for Peterborough (Mr. Whalley) to drag before the House any Address of Condolence offered to Her Most Gracious Majesty. Sir, that is a matter which the hon. Gentleman will settle between himself and his followers,

who are about to attend at that tower which he has built in a corner of his leased premises in the county of Denbigh. But I must warn the House that the hon. Gentleman in quoting this evidence has been playing one of those old tricks which I heard him play the other day in Ireland at the Rotunda meeting, and which he afterwards followed up in Scotland. He goes about with that blue-book, and he is continually quoting that song. We had that song read at full length at the Rotunda in Dublin. I was fortunate enough to obtain a ticket to attend an assembly at which Mr. Whalley was advertised in red letters in the bill to appear. He appeared there, and taxed not only the Roman Catholic priests but also the Roman Catholics of Ireland with disloyalty; and I should say there could be no greater proof of their good humour than the fact that the hon. Gentleman walked out of the building in the Catholic city of Dublin with a whole skin. The hon. Gentleman thought proper to read that song, and there was of course tremendous cheering and some laughter—such laughter as that which I am glad to see predominated in this House; because I think the British House of Commons is far too sensible to let a subject which has descended from the hands of that otherwise highly respected Member for North Warwickshire be now dragged through the kennels of Peterborough. I do hope, Sir, that as there is a great lack of business this Session, if we are to have this Maynooth debate revived, the noble Lord will give the hon. Member to-morrow after two o'clock, to discuss this question. But what I do deprecate is, that insulting questions should be put with respect to our Roman Catholic fellow-subjects, and, above all, that they should be dragged before the House by means of the stale arguments and forgotten songs which the hon. Gentleman is in the habit of using when he stars it in the provinces.

VISCOUNT CASTLEROSSE said, that as one of the trustees of the College of Maynooth, he protested against the language just used by the hon. Member (Mr. Whalley), and he had to state that the statements contained in that anonymous letter which the hon. Gentleman had just read were quite untrue. He had the best reason for making the assertion that the statements in that letter were not founded on fact.

MR. WHALLEY said, he rose merely

*Mr. Bernal Osborne*

to explain. The statement of the hon. Member for Liskeard was not in accordance with the fact.

MR. SPEAKER:—The explanation must be confined to anything which the hon. Member has said himself. He must not reply to the hon. Gentleman.

*Motion agreed to; House at rising to adjourn till Thursday.*

#### COLONIAL GOVERNMENT.

##### RESOLUTION.

MR. ARTHUR MILLS said, that he rose for the purpose of calling the attention of the House to the Report of the Select Committee of last Session upon Colonial Military Expenditure. It would be recollected that that Committee was instructed to inquire and report whether any and what alterations might be advantageously adopted in regard to the defence of the British Dependencies, and the proportions of cost of such defence as now defrayed from Imperial and Colonial funds respectively. That Committee had been very impartially selected, and comprised many hon. Members who had devoted much attention to the subject. The question being at once of a financial, colonial, and military nature, the heads of the Colonial Department, the Secretary for War, the Chancellor of the Exchequer, the Inspector General of Fortifications, and other experienced witnesses (among them Lord Grey and several gentlemen who had held office under Home and Colonial Governments), had been examined, and all the attainable evidence which appeared to have any bearing upon the question had been taken by the Committee. The result was, that a Report was presented to the House which, in all its main recommendations, he might say, had been unanimously adopted. There were, of course, some special recommendations which were not agreed to altogether unanimously. That report was now on the table of the House. Before alluding to the Motion which stood in his name, and which was founded on the recommendations of that Committee, he might be allowed to disclaim the imputations which had been too freely cast upon those hon. Members who had thought it their duty to take any active part in reducing our colonial military expenditure. It had been said that those who, whether in or out of Parliament, ventilated this question, in which the Dependencies and the



parent State were alike interested, were, in fact, aiming at the dismemberment of our Colonial Empire. For his own part and that of the Committee, he entirely disavowed any such intention. Throughout the inquiry it was not only assumed that Great Britain desired to maintain her Colonial Empire, but that she aimed at developing the resources of her colonies and qualifying them for present self-government and eventual independence. It was also assumed by the Committee that Great Britain recognised the claim of all portions of the British Empire to Imperial protection from perils arising from the consequences of Imperial policy, and that the naval assistance of England was essential—indeed, was the only substantial protection which the Colonial Empire could expect to receive from the Imperial Government. But the Committee never entered into any question which would at all affect the dismemberment of our Colonial Empire, or invite a policy which would tend to the premature severance of a single province which now volunteered allegiance to the British Crown. Though the terms of the reference were very wide, embracing in the comprehensive term “Dependencies” all the outlying portions of the Empire, India, the Mediterranean garrisons, the West African Settlements for the suppression of the slave-trade, and all the military and naval stations wheresoever situate, the Committee thought it best not to extend their investigation to those stations which were maintained for Imperial purposes, and which must necessarily be maintained, if at all, at Imperial cost, but to limit their inquiry to those which came strictly under the designation of “Colonies.” The area of inquiry, therefore, comprised the North American colonies, the Australian colonies (with the exception of Western Australia,) the West Indies, the Cape of Good Hope, New Zealand, the Mauritius, and Ceylon. His hon. Friend the Member for Montrose (Mr. Baxter) had given notice of an amendment by way of addition to the Motion now before the House with reference to fortifications. He would merely remark, therefore, that the main evidence given before the Committee on that subject related to the Mauritius, and tended to show that while enormous expenditure had been incurred, it was extremely doubtful whether the works that had been carried out would ever prove of the least utility to the Imperial Govern-

ment. Upon the question of fortifications, a resolution was passed which conveyed the opinion of the Committee; and if any hon. Member would take the trouble to read the evidence of Lord Herbert, Lord Grey, Admiral Erskine, and others, they would, he believed, agree with him in thinking that the paragraph taken from the report of the Committee was well founded. But to return to the Motion of which he had given notice:—Hon. Members might consider that his Resolution was a mere abstract proposition, and that the adoption of it by the House would be either superfluous or mischievous; but he begged to say that the opinions embodied in the Resolution were by no means original, but opinions which had been publicly expressed by Lord Grey in his official correspondence with Lord Elgin, and other statesmen of high eminence in this country, and were to be found in the despatches of Sir William Denison, one of the ablest of our colonial governors. They had been supported by the right hon. and gallant Member for Huntingdon (General Peel), who stated, when the Committee on Colonial Military Expenditure was appointed, that this country ought to assist the colonies against external aggression and, in a lesser degree, against the attacks of formidable tribes; but that in no case, except where the colonies were mere garrisons, should the mother country assume the whole responsibility of their defence. That principle had been also fully supported by the evidence of that noble and patriotic statesman Lord Herbert, who stated that instead of keeping the troops scattered about the British dependencies he would concentrate them more at home; and that the maintenance of large garrisons in the colonies furnished them with an excellent excuse for not raising any militia of their own. He would also refer to the evidence of the Chancellor of the Exchequer, who gave it as his opinion that the fact of the parent State undertaking the defence of the colonies had an enervating and mischievous effect upon the latter; and likewise to that of Lord Grey, who maintained that the introduction of the system of self-government into the colonies made a material difference in respect to the policy to be pursued, and that power and responsibility ought to go together. There were differences in the different groups of colonies both as regarded their internal resources of defence, and their exposure to

external perils; but the principle set forth in his Resolution was the right principle on which the Government should act in dealing with the Colonial Empire. All the witnesses examined by the committee had agreed that where responsible government was given to a colony the primary responsibility of its military defence should also be cast upon it. That was the principle he had embodied in his Resolution. He admitted that to enunciate a sound principle and to carry it into practical operation were two different things; but he did not admit, as some were prepared to contend, that they must submit in despair to the condition of things now existing; and that, as in giving the colonies responsible government no contract was made that the colonies should undertake their self-defence, therefore the whole cost of the defence of the colonies must for ever be borne by the mother country. Was it for a moment to be contended that because no clause had been inserted in the Act or Order in Council which conferred representative government on a Colony, expressly stipulating for its self-defence, that burden was eternally to rest on the parent State, whatever power or wealth the Colony so circumstanced might attain? He protested against that argument as altogether unsound, and maintained that the acceptance by the colonies of the advantage of self-government implied at the same time a compact on their part to undertake their own defence against all perils, except those to which they might be exposed by the results of Imperial policy, and, at all events, to provide for their own internal order and security. But it was said that, after all, the Colonies of Great Britain, though they might be expensive to the parent State, could only be regarded as prodigal sons, and must be treated accordingly. He denied that the parental analogy held good at all; but if it did, the only successful mode he knew of treating a prodigal son was to throw him upon his own resources. It was said, again, by some, that in certain colonies, such for instance as New Zealand and the Cape, the colonists must not be left to deal single-handed with the natives, as in that case scenes would result which would arouse the indignation of the people of England; but he thought that after trusting the colonies with the entire management of their own affairs, it was an insult to them to insinuate that in collisions with the natives they would resort to barbarous

*Mr. Arthur Mills*

and disgraceful practices. With respect to the argument as to the inhumanity of throwing our colonies on their own resources in the matter of their defence, he could only say it was criminal to give them the right of self-government if they were totally incapable of protecting themselves; and he believed that so long as we went on giving them unlimited power to draw on the Imperial army in the case of every quarrel of their own, there could be no certainty that we should not have a perpetual succession of Kaffir wars, which had already cost this country five millions sterling, and similar difficulties in other portions of our Empire. There was, moreover, an additional and cogent reason for compelling the colonists to take upon themselves the main responsibility of keeping themselves out of those quarrels. The commissariat expenditure in these wars was enormous, and the colonists had a direct interest in the increase of these expenses. Sir Harry Smith said, speaking of an unsuccessful attempt on the Cape frontier to capture Sandilli, "This bit of a brush with Sandilli cost us £56,000 in waggon hire alone." That outlay all went into the pockets of the colonists at Cape Town. He did not blame the colonists for endeavouring to put money into their pockets when they could get it out of the commissariat expenditure; but he did blame the Imperial Government for perpetuating the present system of keeping the colonies in a state of everlasting minority and childish dependence. The fact was, that our present system was not only far more extravagant but little less cruel than the old Commando system. Not many years ago the 12th Lancers were almost massacred in an impenetrable thorn-bush on the Cape frontier, on a service on which it was inhuman to employ them; and, according to the evidence of Mr. Owen, whose experience in the command of frontier levies in that colony gave weight to his opinion, it seemed that there was little to choose between the old system and the modern one on the ground of philanthropy. In New Zealand the result of the present system was, that Sir George Grey was placed in a most anomalous position—that of having to serve two masters—the Imperial Government and the Legislative Assembly. He knew it might be alleged that the troubles in which the Colonists became involved, were in a great measure the result of Imperial policy, but there could be no



doubt that the hostilities had for the most part a purely local origin; and he did not see why the Government and the people of this country should have for ever to undertake the defence of the colonies in wars in which they might engage from motives which we could not gauge and under a policy which we could not control. It appeared to him it was a case in which we must either go forward, and leave the colonies more to their own resources, or draw back, and deprive them of the privileges of self-government. But that latter course was now practically impossible. He confessed that he was not of those who were disposed to indulge in sarcastic observations on the mode in which our Colonists had made use of their free institutions, for he could make a large allowance for the many and great difficulties with which they had to contend in attempting to carry out a system of government for which they had undergone no previous preparation; and he entertained sanguine hopes that under a sounder policy they would prove themselves to be as well qualified to bear the burdens as to exercise the privileges of freedom. But perhaps he might be told that a correct theory was one thing and that its practical application was another; and he might be asked what course he would recommend the Imperial Government to pursue in the matter. The system he would suggest would be to leave off the undignified haggling with local Governments, hitherto of such frequent occurrence, and which had invariably ended in bitter recriminations, and often in Imperial humiliation, and pursue the course adopted by Lord Grey in the case of our Australian colonies some ten or twelve years ago—namely, that of simply announcing to them that certain aid would be allowed them by the Imperial Government in the shape of troops from England; and that if more than that was required, it must be at their own expense. If that principle were adhered to, the colonists would not be so ready to involve themselves in war, and would be rather more circumspect in their dealings with the native population, and the Imperial Government would be spared the everlasting drain which was made upon its treasury for the defence of the colonies. He might be told that the present was a very inopportune moment for saying anything that could possibly give offence to our colonists. So far as our North American

colonies were concerned, he admired, in common with others, the spirit which they had recently displayed; nor should he have complained if even a larger number of troops had been sent out there during the winter for the reinforcement of the garrisons; but he begged to remind the House that in those colonies there were from 80,000 to 90,000 Volunteers either already trained or in course of training, and he regretted very much that these defensive operations had not been sooner commenced. He hoped Canada would never forget that the training of her militia was a matter of the greatest importance, and one which deeply affected her own security. All our colonies, indeed, should be made to feel that they were primarily responsible for their own defence against all dangers in which their own and not our Imperial policy had involved them. He might mention that about three years ago a member of the Legislature of New South Wales moved a resolution, which was carried by a majority of 39 to 11, in almost precisely the same terms as that which he had now the honour to submit to the House. If in a colonial Legislature such a proposition was moved and carried, it could not be regarded as discourteous to the colonies that the Imperial Parliament should adopt a similar Resolution. He hoped the House would believe that he had not intended to utter a single word which could be considered as discourteous or unfriendly towards the citizens of any portion of our Colonial Empire. So far from wishing to alienate the colonies or to prejudice their interests, his object was to draw closer the bonds of alliance which united them with the mother country, and to qualify them for all the rights, privileges, and duties of self-government. He concluded by moving, "That this House, while it fully recognises the claim of all portions of the British Empire on Imperial aid against perils arising from the consequences of Imperial policy, is of opinion that Colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security."

MR. BUXTON said, he rose to second the Motion. He was glad that the hon. Member for Taunton had repudiated so distinctly, on the part of the Select Committee of last Session, any feeling in favour of the dismemberment of our Colonial Empire. In endeavouring to weigh

both sides of the important question before the House, the point in which he felt the greatest interest was its bearing on the treatment of the aborigines in the colonies. It had always been felt to be a difficulty in the way of leaving colonists to manage their own military affairs, that they might, perhaps, act with violence and cruelty towards the native tribes. It was highly honourable both to the Government and people of this country that the apprehension of injury resulting to the aborigines of their colonies from a discontinuance of the present system had been hitherto regarded as a powerful argument in favour of its continuance, notwithstanding the enormous expense thereby entailed. But, although that policy was noble, it became necessary to inquire whether it was also sound. Now, as a plain matter of fact, the merit of success could not be attributed to it. At that moment the nation was engaged in a bloody war with the aborigines of New Zealand. At the Cape this country had again and again been forced into campaigns against the Kaffirs, while the Indians in Canada were reduced to a miserable remnant. The general failure of our policy might well lead us to ask whether it had not been attended by results directly opposite to those which had been intended. Nor was it hard to understand that the real consequence of our having undertaken to protect the colonists from the attacks of the original inhabitants, had been this—that the colonists had been by no means desirous of averting war, knowing as they did that the cost would not fall upon them. So far, indeed, from war being considered an evil, it had been hailed as a positive advantage, causing, as it did, a vast outlay of money in the colony; and the colonists consequently had been much more ready to trespass on the rights of the natives than cautious of avoiding offence. It was not probable, that if the colonists in New Zealand had been left wholly to their own resources in dealing with the aborigines, they would have dreamt of endeavouring to exterminate them from their native fastnesses; but they would have done their best to conciliate them, and to make such political arrangements with them by treaty as would have tended to preserve peace. That was not a matter of mere theory. The House knew practically that when the North American colonies were young, and the colonists left to deal as they would with the natives, although in those days

*Mr. Buxton*

the idea of acting with humanity to them had scarcely entered the mind of any one, yet treaties had been at once made, and mere considerations of prudence compelled them to respect their rights. Who could doubt that it would have been the same at the Cape of Good Hope? Unless the colonists there had known that upon this nation would fall the burden, and to them would accrue the profits of war, they would in some way or other have contrived to avoid difficulties with the Kaffirs. He thought that experience and the obvious reason of the case made it sufficiently evident that it would be to the interest of the natives, if the colonists, and not the mother country, had to find the sinews of war. But he also hoped that common humanity, no less than prudential motives, would restrain colonists from ill-treating the aborigines. Were the responsibility of preserving or exterminating the native races thrown upon them, he believed they might trust to the increasing thoughtfulness and love of justice of their countrymen to restrain them from any gross violation of its principles. Events in New Zealand had shown what a very strong feeling of sympathy there was with the natives among an important section of the colonists. The missionaries were sure to take that side, and public opinion at home would be so strongly expressed against any acts of cruelty, that for their own credit's sake the colonial authorities would scarcely venture to be guilty of them. The next consideration to which in a great degree the maintenance of the present system was to be ascribed was now becoming obsolete. The Duke of Wellington, he believed, always resisted any proposal to reduce the armed force in our colonies, because in his time, the feeling at home being strong against the maintenance of a large standing army, he thought it prudent to keep as large a force as possible away from the country. Whether for good or for evil, that feeling no longer existed. The Government now could come down, as had been the case only on the previous day, and in a time of profound peace ask for £27,000,000 for the defences of the country. That objection, therefore, fell to the ground, and he might pass on to what had been called the sentimental argument—namely, that it was emblematical of the tie between England and her colonies to see not only the British flag flying, but the red coats of our soldiers guarding it from dishonour. But it surely would bind England more



closely to her colonies if she were to place absolute trust in the loyalty of her colonists, and were to intrust the honour of the flag of the empire altogether to their keeping. There remained a fourth consideration, which demanded the most candid examination—namely, that since the colonies might at any time be involved in war by reason of the foreign policy pursued by the mother country, it was only fair that they should be protected from the consequences of that policy. It seemed to him an essential point to bear in mind, that it was not owing to any decision of the representatives of the people that this country engaged in war. No doubt public opinion might be consulted with regard to it, but war was decided upon by the Queen—in other words, by the Executive Government, not by the representative Legislature of the country; and therefore it was not only those portions of the empire which were represented in that House that were responsible for the war, but the whole of the empire over which the Queen's Government extends. And since it might be hoped that in future this country would engage in war, not for the sake of ambition or conquest, but simply to guard her rights from trespass and her honour from stain, every part of the empire would be deeply interested in its prosecution. While, then, the outlying portions of the empire were not asked to share the cost of such war, it might at any rate be demanded that the strength of the mother country should not be impaired by the colonies constantly requiring the presence of her troops. Let it not be forgotten that the real and true defence of colonies lay in the naval supremacy of the mother country; and that so long as that was maintained, so long we were actually shielding our colonies from attack, and affording them an infinitely better protection than could be afforded by any troops on land. There was an exception to that rule in the case of Canada, so far as regarded the contingency of an invasion from the United States. But, on the other hand, although Canada and although our other colonies might be involved in war by our imperial policy, still they were saved from all wars except those to which our imperial policy might lead. But for their connection with this country, any quarrel between them and a powerful neighbour might lead to an invasion, and possibly to their subjugation; and Canada would have been

singularly liable to such a danger from her ambitious and somewhat grasping neighbours, and possibly even from Russia or France. There was no reason why the whole advantage should be on the side of the colonies. Their connection with us brought some risks. It relieved them from still greater risks. They might well take their share of the former when they remembered, that so long as they were English colonies, there was no shadow of danger of their being permanently deprived of their liberty and independence. But let them weigh the two; and if they thought that the risks incurred by their connection with us exceeded the importance of those from which it saved them, and the prestige gained by them as portion of the British empire, why what statesman was there who would refuse them permission to withdraw from what they regarded as a disadvantageous bond? He supposed there was no statesman who would not allow that the prudent as well as the right way to deal with the colonies was to let them feel that they were free to cancel the bond if they chose, and that the evils resulting to us from that severance would be infinitely less than the disadvantages which would accrue to them. It was further to be considered, that although we occasionally involved them in war, they were quite as likely to involve us in war. We were quite as likely to be set at issue with the United States owing to some Canadian misunderstanding, as the Canadians were to be attacked by the United States owing to some quarrel with England. Lastly, he would ask whether in reality we rendered our colonies more secure from attack by undertaking their defence on land? After all, a very few troops, comparatively speaking, could be spared from home; and he thought the experience of our great wars with France had shown plainly enough that a small force being stationed in a colony, so far from being any defence to that colony, acted as a direct temptation to the enemy to attack it for the sake of making the garrison prisoners. And more than that, if the garrison attempted to defend itself, violent measures would be instantly resorted to by the enemy, who otherwise, if he thought it worth while to come at all, would take peaceable possession, from which, however, he would probably be dislodged if our naval supremacy had not been impaired. And more than that, although the military force sent out might

be very small, still it was always sufficient to give the most direct and effectual discouragement to the endeavours of the colonists to defend themselves. It stood to reason that, so long as the colonies could look to the mother country for defence, they would not be so short-sighted as to establish defences of their own, which not only would cost them large sums, but would prevent the British Government from expending a large amount of money in the country. The result was, that while a very costly force was being maintained by us, still in the event of war the colonists themselves would have no military organization, and would do little or nothing in conjunction with our forces. Whereas, if we had left them alone, they would, in all probability, have prepared themselves for such emergencies, and nearly every man in the colony would have had some training as a soldier. Those were the four main objections to the change proposed by his hon. Friend, and when looked into they did not seem valid. On the other hand, the motives for making the change were strong, but he would touch on them briefly. In the first place, the system was an innovation. In former times the colonists resented every proposition to keep troops among them as a slur on their independence. Again, the mortality among the soldiers in some of the colonies was awful. Then the cost to us, not including that of the military colonies, was £1,700,000 a year. Above all, the system tended to lower the self-respect of the colonists. It damped their energies, it chilled their loyalty. So far from being a bond of union with us, it gave them the notion that they were held in subjection; that they were our property, not our brethren. It naturally led them to regard their connection with England, as insisted upon by her for her own purposes, not, as it really was, a boon to themselves. Nor did it fail to engender that greed and grumbling which was so apt to arise where favours were so lavishly bestowed. Let it be imagined for a moment what the effect would be if Englishmen were thus looked after, and saved from the necessity of self-defence by some distant country. Surely we should feel degraded, and, instead of gratitude, should be filled with jealousy and discontent. In a word, the system ran directly counter to the true principle of colonization. England ought not to dream of sway over those who have gone forth from her. Her aim should be to surround

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herself with a noble band of sister States, bound to her only by the tie of loyal love, standing shoulder to shoulder with her against all attack, but not released by her from the invigorating necessity for self-reliance. And who could doubt that our Queen's empire, from the rising to the setting sun, would be all the more firmly rooted when her colonies were neither dandled nor overawed, but were treated by her with perfect trust as her children—with perfect reverence as her equals.

Motion made, and Question proposed,

"That this House (while fully recognising the claims of all portions of the British Empire to Imperial aid in their protection against perils arising from the consequences of Imperial policy) is of opinion that Colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security."

Mr. BAXTER said, that after the clear and able speech of his hon. Friend the Member for Taunton, he would not say a single word on that branch of the question which had been so well brought under the notice of the House. He entirely concurred in the Resolution proposed, and quite agreed that the colonies should have the entire responsibility of their internal defence; but he thought the Resolution of his hon. Friend scarcely went far enough; nor did it grapple with what appeared to him the main grievance brought prominently into view by the report of the Committee. No more important subject could possibly be brought before the public, and, whatever interest might attach to his hon. Friend's Motion now, the subject would by-and-by force itself on the notice of the people. In moving the addition of the Resolution which stood in his name, he wished to refer to the main principle really involved in the discussion, and brought out in the report of the Select Committee. They had reached the turning point in the colonial history of Great Britain, at which they must cautiously and gradually, but steadily, reverse that policy on which they had been acting for a number of years past—the policy which had thrown the primary responsibility of defending the colonies not on themselves but on us. That was a policy in which the people of this country had been induced to acquiesce rather than to approve; and in proportion as our possessions increased in number, in population, and resources,



it would be found utterly impossible to continue to supply the colonists with the means of defence. Not only were we supplying them with ships and munitions of war, but with troops and fortifications. So long as we governed the colonies, there was an obligation on this country to provide for their defence; but that was now changed: the colonies governed themselves; they framed their own laws; to all intents and purposes they were independent communities—so free and independent that some of them, Canada for instance, had a high protective duty upon the manufactures of this country. If hostilities should break out, the present system of colonial policy would be found most embarrassing by the Government. At present some of the largest and wealthiest colonies of Great Britain trusted to her entirely for defence—raising no soldiers and contributing nothing towards the Imperial military expenditure. Our ancient colonial policy was altogether the reverse of this, and to that we must return if it were desired to prevent an outbreak of feeling in this country at the heavy amount of taxation in the event of war, which would endanger the connection between the colonies and the mother country. This was really the great point involved in this discussion. There had been a great deal of evidence adduced before the Select Committee, and nothing could be more clear and distinct than that of the Chancellor of the Exchequer, who used these words—

“I think that to arrive at a system under which the primary responsibility of self defence by land should be thrown upon the colonists themselves—speaking, of course, of those colonies which are, so to say, normally constituted—would be not only an immense advantage to the British Exchequer, but would have, I think, many still more important and higher recommendations, independently of the question of cost.”

He was asked—

“You think that any such arrangement, by which the primary responsibility should be thrown upon the colonies, would be advantageous to communities circumstanced as the British colonies are?”

His answer was—

“I would almost venture to say, without speaking of cases in which the circumstances are altogether peculiar, that no community which is not primarily charged with the ordinary business of its own defence is really, or can be, in the full sense of the word, a free community. The privileges of freedom and the burdens of freedom are absolutely associated together; to bear the burdens is as necessary as to enjoy the privilege, in

order to form that character which is the great ornament of all freedom itself.”

He was asked by the Chairman—

“I understand your view to be that the fact of the defence of the colonies being undertaken by the parent State has rather an enervating effect upon those colonies, and therefore a mischievous one?—That is my strong opinion. I think that the principle of conjoining burden and benefit is a sound principle, and is equally advantageous to those upon whom the burden is imposed within just limits, and to those from whose shoulders the burden is removed.”

Mr. Godley gave precisely similar evidence. He was asked—

“Your main object is to diminish the Imperial expenditure in respect to the military defences of the colonies?”

His answer was—

“No; my main object is to throw upon the colonists the habit and responsibility of self-defence; it is a secondary but very important object to diminish the Imperial expenditure.”

That was precisely the view taken by the Committee. There was no division when the resolutions were passed. He held in his hand a statement of the sums contributed by the colonies towards military expenditure. In the pay of troops, and for general purposes of defence the following sums had been expended. In New South Wales, £33,000; Victoria, £72,000; South Australia, £7,000; Ceylon, £97,000; Mauritius, £25,000; Malta, £6,000; Jamaica, £1,000; Windward and Leeward Islands, with Guiana, £29,000; Ionian Islands, £21,000. Out of the total of £369,000 thus made up only £73,000 were repaid during the financial year into the Imperial Exchequer. He did not wish to say a word in disparagement of the late manifestations of patriotism and loyalty which redounded so highly to the credit of Canada; on the contrary, he endorsed in the fullest manner everything that had been already said on that subject, nor should he dream of contending that the colonies ought to bear all the charges of military expenditure incurred in their defence. But he found that until the year 1858 Canada had only 5,000 embodied militia, though the British Government did not receive a shilling on account of the defence of that colony. Nay, at the present moment the Royal Canadian Rifle Regiment was paid out of the Imperial Treasury. While he entirely approved of the step taken by the Government in sending out troops recently, he maintained that at all times, whether the expenditure were great or small,

Canada ought to bear its proportion. England could hardly be expected to bear for many years to come the sole charge of the military force in that colony, now that its numbers had risen to 18,000 men. In the Lower Provinces matters were even worse, for up to 1858 there was not a single colonial soldier, militiaman, or volunteer in Newfoundland, New Brunswick, or Nova Scotia, and the entire military expenditure amounted to £198. These colonies had not only increased in population, but in wealth and resources, and he believed there was now not only an ability but a willingness to assist the Home Government in maintaining suitable defences, if they were only pressed to do so. Of all the great colonies of England there were only two—Victoria and New South Wales—which pursued in this respect a just course towards the mother country. Those were the only two colonies which could be called self-dependent, and they were the only two which contributed towards the expenses of Imperial wars, so that the policy of throwing on the colonies the primary responsibility for their own defence, which it was continually said would lead to their separation from the mother country, had in fact attached them to it, and tended to preserve the connection between them. These reasons induced him to go a little further than the hon. Member for Taunton, and to propose an addition to his Resolution; but as it had been suggested to him that the wording of the Amendment which stood on the paper might not be altogether acceptable to the House or to the colonies, he was desirous of altering its terms, and would not press that part of it having reference to colonial fortifications. At the same time, he would have been justified in doing so by the recommendations of the Select Committee, who recorded their opinion—

“That the multiplication of fortified places and the erection of fortifications in distant colonial possessions, such as Mauritius, on a scale requiring for their defence a far greater number of men than could be spared for them in the event of war, involve a useless expenditure and fail to provide an efficient protection for places the defence of which mainly depends on superiority at sea.”

The Committee further submitted—

“That the tendency of modern warfare is to strike blows at the heart of a hostile Power, and that it is therefore desirable to concentrate the troops required for the defence of the United Kingdom as much as possible, and to trust mainly to naval supremacy for securing against

foreign aggression the distant dependencies of the empire.”

But that was not the system actually pursued. That House was annually voting small sums for building paltry fortifications in various colonies, and he held in his hand a paper submitted by General Sir John Burgoyne to the Committee, containing a rough estimate of the cost of completing works already in progress, and of new works necessary to place our foreign possessions in a reasonable state of defence, in addition to the sums in the Estimates for 1861-2, exclusive of armaments and ordinary barracks, and of such occasional improvements as art and science may from time to time render necessary. The items were Gibraltar £25,000; Malta, £75,000; Corfu, £75,000; Mauritius, £250,000; Bermuda, £150,000; Halifax, £75,000; St. Helena, £25,000; Cape of Good Hope, £25,000; Trincomalee, £36,000; Hong Kong, Bahamas, Falkland Isles, Jamaica, Antigua, Kingston, and Quebec, &c., £264,000; making a total of £1,000,000 sterling. It gave him pleasure to add, that not a single witness subsequently examined concurred in the proposals of Sir John Burgoyne. The Duke of Newcastle and the late Lord Herbert totally dissented from his views; and Earl Grey expressed himself in the following terms:—

“I totally disapprove of the whole policy of large expenditure upon fortifications in the colonies. The experience we have had of the past seems to me to lead to the conclusion that almost the whole of the money we have spent upon colonial fortifications has been so much absolutely wasted, and that with respect to some of those fortifications, erected at great expense, the wisest thing we could now do would be to blow them up again.”

He was content with calling attention to the subject, and he had no wish to embarrass Her Majesty's Government. On the contrary, he believed the Resolution of his hon. Friend, amended as he proposed, would strengthen the hands of the Government in their negotiations with the colonies. The adoption of the policy suggested would prove of permanent advantage to the mother country, and would be the means not of weakening and dividing, but of strengthening and preserving that Empire on which the sun never sets.

Amendment proposed, at the end of the Question, to add the words “and ought to assist in their own external defence.”

MR. CHICHESTER FORTESCUE said, that Her Majesty's Government en-



tirely concurred with his hon. Friend the Member for Montrose (Mr. Baxter), that the resolutions just proposed to the House, so far from embarrassing the Government in dealing with the colonies, would rather assist them in obtaining the object which they, as well as the House, had in view. He also concurred in the opinion of the hon. Gentleman (Mr. A. Mills) that the most objectionable way in which Imperial troops could be employed in a colony—whether at the expense of the mother country or its own—was in the maintenance of public order, or, to use other words, in performing duties which properly pertained to a domestic police. Such an occurrence, however, did not often occur in colonies which could be described as British communities; though even in those it had sometimes happened that our troops were so employed. He entirely agreed with his hon. Friend in the general condemnation which his Resolution implied of such an employment of Her Majesty's forces; but, in giving his assent to that proposition, he must point out to the House that among our various dependencies there were some in which British troops might be required to act for the maintenance of order without their employment for that purpose coming justly within the scope of the Resolution. Let them take the case of our West Indian colonies. Those communities were very peculiar. So far from being purely British, they were, perhaps, the most strange and heterogeneous of any that had ever been brought together in any part of the world. Nevertheless, they had been brought together under the sanction and protection of this country. Let them take for instance Trinidad, in which the bulk of the population consisted of French, Spanish, Hindoos, and Chinese, and of Africans imported in former days. Those colonies had over and over again been made the subjects of British experiments for British interests. They had been first favoured and fostered for the purposes of British policy in the days of the slave trade. Then they had been sacrificed to the conscience of this country, in the matter of slavery and, afterwards, to her financial policy in the matter of sugar. He thought it was impossible not to regard them as exceptional communities to which the generally sound principle of his hon. Friend could not at once be applied. He made that observation to guard himself while on the part of the Government he assented to the Resolution. There was also the

case of colonies such as the Cape of Good Hope, British Caffraria, Natal, and New Zealand, in which the relations between the colonists and the native tribes were partly domestic and partly foreign. Foreign they were to a great degree, but not wholly so, because local feelings and interests were liable to influence the conduct of a governor, and the policy pursued towards them could not be purely Imperial. With respect to New Zealand, when a responsible or popular Government was conferred on the colony, the authority given to the colonists was in effect unlimited. An attempt had, indeed, been made to restrict that power within bounds, and to separate the government of the natives from the action of the popular constitution; but he must confess that in a great degree that had been a failure. At the time of the first great change no substantial guarantees were obtained, no fund was appropriated to enable the governor to carry out the administration, and an admixture of the popular element had spread into all the departments. He spoke with some reserve, as the Government were waiting for advices from that able man who, he was happy to say, had gone to New Zealand within the last few months, before they could announce his matured policy; but, he must express his own conviction that the Government of this country had lost the duty, because it had lost the power to administer the affairs of the native tribes of New Zealand by officers responsible to itself, and that it would be necessary to hand them over to Ministers possessing the confidence of the New Zealand Legislature. There could be no doubt that this change would increase the obligations of the colonists to provide for their own protection. He must at the same time observe, that the system which in modern times had been pursued by this country towards these colonies was not one that had been without result. Would it have been possible of late years to have pursued towards the colonies the policy which this country carried out, or rather tolerated, two centuries ago? Would it have been possible in these days to have permitted the colonists and the natives to deal with one another as they had done in those? It was difficult for persons living in the present day to realize the situation of colonists of former times, when they were left unassisted and uncontrolled to deal with the native tribes. Mr. Herman Merivale, formerly Under

Secretary of State for the Colonies, who, in his recent work, traced a comparison between modern colonists and those of former times, stated that a good deal was to be said for the old system, which left the colonists to deal as they pleased with the native tribes; while, on the other hand, great advantages, gained it must be admitted at great cost, were obtained by the modern system. Mr. Merivale quoted a passage written by a New England Governor, Mr. Pownall, in which he described the condition of constant insecurity and alarm in which the early American settlers lived, and the injuries inflicted on the Indian tribes under the influence of that terror. Mr. Merivale said—

“It is hard in our days to realize the life of terror and watchfulness led by the pioneers of our American enterprise for some generations, while the slowly-receding forest around them was the abode of watchful and implacable foes—

“‘With dreadful faces throng’d, and fiery arms.’”

That feeling of insecurity existed for many generations in the early American colonies, and exercised a most unfavourable effect on their progress. Mr. Merivale showed the influence it exercised on the development of the colonies, and the effect of an opposite state of things, and for this purpose he contrasted the progress of the early American colonies with that of the colony of New Zealand. Mr. Merivale showed that while the New England colonies in the first twenty-three years grew in population 23,000, the population of New Zealand in a less space of time grew to 85,000, with a corresponding increase of commerce and revenue. The altered system had saved this country from great disgrace and materially increased the rate of progress at which our colonies were growing as self-sustained communities. He said that, notwithstanding the conflict which had taken place in New Zealand between the Government and a portion of the native tribes; a conflict which had however been attended with so little calamity and conducted with so much humanity on both sides that it could scarcely be equalled in the history of warfare. Thus, while the Government accepted the Resolution, it was right to caution that House that there were some of the dependencies of the Crown where the Resolution could not be so readily or so rapidly applied as to purely British communities, to which alone he understood it properly to relate. With regard to the Amendment of his hon. Friend (Mr. Baxter) as it originally stood,

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he thought the latter part needless, and that the former part went too far. The uselessness of multiplying colonial fortifications was abundantly shown before the Committee on Colonial Military Expenditure, and that part of the Amendment was therefore unnecessary, as there was no fear either of the present or any Government multiplying such colonial fortifications, as those which he understood his hon. Friend to condemn. With respect to the former part of his hon. Friend's Amendment, he thought it laid down too rigidly the mode of inducing the colonies to contribute to their own defence. A money contribution towards the Imperial forces had been adopted with some success in the Australian colonies, but it was open to objections, and was hardly applicable to all the colonies. There was another simple mode, which consisted in the Government informing any colony that a certain number of troops was the quota which their sense of duty to the taxpayers at home and to the empire at large led them to allot to that colony, and that for any further assistance the colonists must trust to their own men and their own resources. That plan was much more likely to be applicable to our North American colonies than a money contribution. Since his objection, however, had been now removed, he was happy to be able to agree on the part of the Government to an Amendment which enlarged the scope of the original Resolution. He now begged to call the attention of the House to the amount of expenditure incurred on the military defences of the colonies to which his hon. Friend had referred. His hon. Friend had only referred to those colonies which were in the enjoyment of self-government. The colonies that came within that definition were as follows:—In North America—Canada, New Brunswick, Nova Scotia, Prince Edward's Island, Newfoundland, and Vancouver's Island; in Australia—New South Wales, Queensland, Victoria, South Australia, New Zealand, and Tasmania; in South Africa—the Cape and Natal; making in all fourteen colonies exercising the right of self-government. All the rest were either military garrisons, such as those in the Mediterranean, or stations not maintaining a British population, but occupied for Imperial interests, such as the Mauritius and Bermudas, or stations for the suppression of the slave trade, like the factories on the West Coast of Africa. He would acknowledge that



he had omitted from the list the West India Islands. Jamaica, for example, did not enjoy the full rights of self-government in the sense in which they were enjoyed by a British community. The same might be said with regard to other West Indian Colonies. He had therefore excluded them from his calculation; but he had included the great British harbour and station of Halifax, the French fisheries at Newfoundland, the convict establishment and convict population of Tasmania, and the special case of the formidable native tribes at the colonies of New Zealand, the Cape, and Natal. Now what did hon. Members suppose was the total Imperial military cost of those colonies, including the Cape, upon which the outlay had been once so extravagant, for the year ending March, 1860. The entire amount, in spite of the exceptional cases which were included, was a fraction over the sum of £1,000,000.

MR. BAXTER asked whether any account was taken of the force in Canada?

MR. CHICHESTER FORTESCUE said, that if the hon. Gentleman thought that in a great emergency like that which had lately occurred it was wrong to incur the expense of sending troops to Canada, he was at liberty to urge that view. He (Mr. Fortescue), however, knew that such was not his (Mr. Baxter's) opinion. He repeated, then, that the expenditure on account of British colonies properly so called, including the exceptional cases of the Cape and New Zealand, was no more than £1,000,000. He did not state those facts for the purpose of showing that the colonies ought not to be called upon to contribute their fair share to the cost of their defence, but only to show that the present Imperial charges on their account were far smaller than they were often supposed to be. He believed that our colonies evinced no lack of spirit when occasion arose to provide against enemies, whether external or internal. It had been said lately by a few able men that those colonies ought to be left, like our early American settlements, to fight their own battles against foreign foes, and that no assistance ought to be rendered to them by the mother country. There had, in his opinion, been considerable misconception on that subject. He believed that if the circumstances of our modern colonies were the same as those of the early American settlements, the conduct of the colonists

would be the same. But the North American colonies for several generations had carried on a series of petty wars against their French and Spanish neighbours; they engaged in those wars with great spirit and great passion, and with a degree of animosity even greater than that which they had imported from the mother country. At last, by the assistance of England, they were enabled to subdue their dangerous neighbours. When that was accomplished, the feelings of the colonists towards the mother country altered, and those men who had been more anxious than the statesmen at home for the conquest of Canada became anxious to get rid of the British troops. And why? They were ripe for revolt; they found the British troops quartered upon them by the operation of an Act of Parliament, when they had no longer a foreign enemy to fear. They resented that state of things, and they made the presence of British troops one of their grievances against the mother country. Now, was there any resemblance between that state of things and the position of our colonies at the present day? In conclusion, however, while contending that it was not the policy or the duty of this country to abandon the colonies entirely to their own means of defence—a policy which, he was happy to say, was not forced upon the House, either by the Resolution or the Amendment—he did admit that it was quite possible to go too far in considering the wishes of the colonists, to forget the interests of the British taxpayer, and even the true interests of the colonists themselves. He was not going to enter into the profit and loss account which had been lately struck by some persons against our colonies. He admitted there were some of them which, in that point of view, the mother country would never have sought to wrest from any other Power. But it was desirable for this country to possess friends and sure allies, and stations for her commerce, all over the world. It was really, however, a question of duty, and not merely of profit. It was the duty of this country to provide for the defence of those colonies, as they desired to be attached to her; and the only question was as to the amount of expenditure which such protection might require. It was our duty, on the one hand, to protect the colonies, and, on the other, to economize the men and money that might be necessary for that purpose. He thought that the

Resolution and the Amendment would aid the Government in doing so, and he trusted the House also would give them its best assistance in performing that double duty.

SIR JAMES FERGUSON remarked, that the moderate language of his hon. Friend's Resolution was sufficient in itself to recommend it to the House, emanating as it did from the recommendations contained in the Report of the Committee which sat on the subject last Session—a Report which was intended to enforce a policy recommended by no less a personage than Earl Grey. He thought that the Report of the Committee and the Resolution of his hon. Friend might be read in two very different senses, according to the views of persons who entertained different opinions on the matter. They might be accepted by those who held with his hon. Friend that the policy of this country ought to be one in the direction of the principle laid down by Earl Grey. The Resolution might be also accepted by the colonists without giving up any portion of what they considered their rights. But taking the Resolution of his hon. Friend as it had been amended by the hon. Member for Montrose, he was afraid that it would be received in a very different sense, and would bear a very different interpretation. The hon. Member for Montrose went much further than either the Report of the Committee or the Resolution of his hon. Friend. The hon. Gentleman had said that the colonists should be left gradually to depend exclusively on themselves, both as regarded the contingencies of internal war and foreign aggression.

MR. BAXTER: I never for one moment intended to leave the colonists entirely to themselves.

SIR JAMES FERGUSON said, he thought the terms of the hon. Gentleman's Amendment indicated that opinion. At all events, the hon. Gentleman contemplated a vastly more extended scheme than that comprehended by the Resolution of the hon. Member for Taunton. The remarks of the hon. Member for Montrose showed still more clearly what was his meaning. The hon. Gentleman spoke of the possible future independence of the colonies.

MR. BAXTER: I beg pardon; I never said anything of the kind. I merely said that in every case the colonies should assist in the defence of the mother country.

SIR JAMES FERGUSON said, he must apologize to the hon. Member for misapprehending his observations; but he

certainly thought that words to that effect had fallen from him during his speech. He did not, however, wish to fasten the words on him as he had repudiated them. The Resolution, however, might be read in two different senses. The colonists might view it as a declaration on the part of the mother country that in future they would not only be left to protect themselves against all hostile attacks, but that they would be expected to contribute a share towards the expenses incurred in the defence of the mother country in any war in which she might be engaged. Now, no such view as that had been taken either by the Committee or by his hon. Friend, who moved the Resolution. Nor had Earl Grey ever contemplated such a result. As a Member of the Committee, he regretted to hear that the Government intended to adopt the Amendment of the hon. Member for Montrose. It certainly could not have had its origin from the Report adopted by the Committee. He thought that the hon. Member for Taunton had, to a certain extent, lost sight of the important evidence given by Earl Grey before the Committee, in which he explained the policy he had inaugurated. With regard to the Cape of Good Hope, Earl Grey expressed his conviction that were it not for the presence of Imperial troops the colonists and the natives would carry on a war of extermination, and that the contest would probably end in the destruction of the native races. That noble Lord also pointed out that the Cape of Good Hope as a military station was not so useless as some might suppose, but that it was valuable as forming a reserve for India. The Select Committee, while indicating the policy of gradually leaving the colonies to themselves, wisely confided the selection of the mode and time of effecting that object to the responsibility of the Government of the day. He regretted very much to hear the hon. Member for Montrose repeat the taunt of what was called the protection tariff of Canada—that the hon. Gentleman should have put that fact forward as a reason why England should not be any longer taxed with the cost of maintaining the security of that country. Now, the indirect taxation of Canada was the only means that country had of meeting its engagements. There the income tax was impossible, and any sort of direct taxation most difficult. Although perhaps she had been formerly guilty of some extravagance and waste of money, hon. Members should re-

*Mr. Chichester Fortescue*



collect that the development of her railway system and other useful public works was in far greater proportion than her own material wealth. He trusted that should the amended Resolution be carried, the Government would take no step which was calculated to alienate the affections of the Canadian people, by giving them reason to believe that this country was endeavouring to throw upon them all the responsibility of protecting their own interests, however formidable might be the attacks made upon them.

MR. HALIBURTON said, he did not rise to take any part in the discussion, but rather to express his deep regret that such a subject had been submitted to the consideration of the House at that time. In the first place, he thought the time selected for the discussion was most inopportune. In the second place, he looked upon the Resolution of the hon. Member for Taunton as delusive in its object. The hon. Gentleman might have read his Resolution without any observations. It spoke for itself, and was in effect a mere corroboration of the present practice. No colonist asked to be relieved from an obligation founded in the nature of things and common sense, and therefore he was at a loss to conceive why the subject was introduced at all, except as a peg for the hon. Mover of the Resolution on which to hang an interesting speech. But, in addition to the Resolution, they had the Amendment of the hon. Member for Montrose. Now, it appeared to him (Mr. Haliburton) that that was a singularly inopportune time for such a declaration. He begged to remind the House that this country had only just escaped a war with the United States on a subject entirely of Imperial interest. An insult had been offered to the flag of England. One of her ships had been boarded and temporarily seized, and four persons who were sailing under the protection of our flag had been captured and held as prisoners. That was clearly an Imperial question. Further than that no other parties had any interest in the matter. How did the people of Canada behave under the circumstances? The conduct of the colonists of Canada on that occasion, in their relations to this country, was beyond all praise. Even sectarians had combined, and had risen as one man for the defence of their country. At such a time, with such exertions, it was rather inopportune to turn round and begin now to discuss

the expense of sending out troops as reinforcements. No particular credit was due to the Government for sending out those troops; for it was done with the unanimous consent of England. There had been none of what the Americans called blustering, but a firm and resolute determination that redress should be obtained, and no Government would have stood for a month that had not demanded it. He believed that the first twenty men they might have met at any railway station would have done the same thing. In the words of the first Resolution there was, he would admit, a great deal of good sense with regard to the colonies bearing a larger share of the burdens in cases relating more especially to their own internal order; but then came the Amendment of the hon. Member for Montrose, who had talked about the tariff the Government of Canada had imposed on English goods. There was an erroneous impression in this country on that subject. The tariff was a high one, no doubt; but then the colonists paid it themselves. It was originally the intention of the Canadian Government to have had discriminating duties, and to have imposed lower duties on English goods, but they were informed that that would be incompatible with the existing treaties. If this country gave the colonies responsible government and free institutions, then Government ought surely to be allowed to be the best judges of the means of increasing its revenue. Direct taxation, he might add, could not be levied to any extent in any part of America except the great cities, and therefore when the Americans passed a law for the purpose of raising so many hundred millions of dollars, they could not succeed in their object unless they imposed the weight of the taxation on the merchants of the large towns. Money was not to be found in the country districts. The farmers of Canada and the remote parts of the United States were, it was true, men who had plenty of meat, and butter and cheese. They had fleeces from which they wove their cloth, and their groceries they obtained by exchange; but they had no money. Therefore, if the tax-gatherer went to the farmer in the back country of the Western States and asked him for taxes, the answer would be, "I have horses and cows, and so many sheep, and so many pigs, but no money; and if you touch any of my property, I will

shoot you." That would be the response of the Canadians under similar circumstances, and they therefore levied taxes on the importation of goods, which was the first means of raising a revenue resorted to in all new countries. He might further observe, that if £10 were levied on a man in the shape of direct taxation, he must part with £10 of hard cash, while the case of indirect taxation was totally different. If 6s. a gallon were imposed on spirit, a man might go without spirit and save the 6s.; or if 20s. a yard were imposed on broad cloth, he might go without the broad cloth if he pleased. If the existing aid were refused to the colonies, it would render them less able to defend themselves; and to take away their revenue also, would be cutting at both ends. It did not appear to him to be necessary under ordinary circumstances to keep any soldiers in Canada. If the railway were extended from Toronto to the lower part of New Brunswick, troops could be sent from England to any part of Canada in twelve days, as the harbour of Halifax was always open. It was said that the military expenditure for regiments in the colonies in a time of peace was quite astounding. But there was not a colonist who desired the presence of a single regiment. England had command of the sea, and Canada could be invaded only from the United States. There might be some danger of invasion from that quarter, but from no other. The colonists would, however, be quite willing to effect one saving. The governors sent out by this country were as useless there as they were here. Indeed, the two or three last appointments had astonished every man, woman, and child in the country. The colonists, however, did not complain of having to support their governors; and £20,000 a year was contributed annually for the support of gentlemen who had previously been whippers-in or had filled some similar position in that House. Why, if the Government had sent out five large stamps, with V. R. upon them, and had placed them in the custody of proper officers to affix to public documents when required, some £20,000 a year, which might have gone towards the military defences, would have been saved. He would undertake to say that the colonists would at any time be ready to enter into that agreement. The proposed Resolution raised no issue, and consequently was useless. No general

*Mr. Haliburton*

rule applicable alike to all the colonies could be laid down. The circumstances of every colony differed. Canada wanted no assistance except against the United States. They had no fighting savages there. [An HON. MEMBER: Agreed, agreed!] If hon. Members are agreed, it showed that he had made some impression upon them. The Cape of Good Hope was different to Canada. All the colonies required different treatment. No general rule for them could be laid down except the one now adopted. The best course would be to maintain in each of them as few troops as possible consistently with its safety. [*Cries of Agreed, agreed!*] If hon. Members were all agreed, it was quite unnecessary for him to say any more on the subject.

Mr. CHILDERS said, he wished to express his satisfaction with the Resolution, and to thank the hon. Member for having brought before the House a proposition so moderate and one so likely to conduce to the advantage both of the colonies and the mother country. He begged to give his cordial assent to the Resolution.

*Motion agreed to.*

*Resolved,*

"That this House (while fully recognising the claims of all portions of the British Empire to Imperial aid in their protection against perils arising from the consequences of Imperial policy) is of opinion that Colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security, and ought to assist in their own external defence."

#### REGISTER OF VOTERS BILL.

##### SECOND READING.

Order for Second Reading read.

Mr. LOCKE KING said, that he begged to move the second reading of this Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. COLLINS said, he must oppose the Motion, unless the hon. Gentleman would fix the next stage for a Wednesday, when it could be fully discussed.

Mr. LOCKE KING: I am willing to allow the hon. Gentleman ample opportunity for discussing the Bill, and I will fix the Committee for Tuesday next.

Mr. COLLINS: No, that will not do. Unless the hon. Gentleman fixes Wednesday, I shall be under the necessity of counting him out now.



MR. LOCKE KING said, he did not see why he should be compelled to fix Wednesday.

MR. COLLINS : I move, Sir, that the House be counted.

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

House adjourned at Eight o'clock till Thursday.

## HOUSE OF LORDS,

*Thursday, March 6, 1862.*

MINUTES.—*Sat first in Parliament* :—The Earl of Yarborough; Lord Ponsonby, of Imokilly.  
PUBLIC BILLS.—2<sup>a</sup> Consolidated Fund (£973,747.)  
3<sup>a</sup> Law of Property Amendment.

### GARDENS IN TOWNS PROTECTION BILL.

#### ORDER FOR COMMITTEE DISCHARGED.

Order of the day for the House to be put into a Committee, on the Gardens in Towns Protection Bill read.

LORD REDESDALE *moved* that the Order be discharged and that the Bill be referred to a Select Committee.

LORD ST. LEONARDS said, he repeated his objections to the Bill, which, he said, would interfere with the rights of private property. It would, for instance, affect the rights of a gentleman who had addressed a petition to their Lordships, and who was the owner in fee simple of the interior of Leicester-square.

LORD OVERSTONE said, that the condition of this square which was one of the most prominent of our public places, being in the very heart of the Metropolis, was most discreditable. It would disgrace the smallest town in the most trumpery State of Europe. If private rights were connected with this question, he was sure they would be fairly investigated by the Select Committee. As one of the churchwardens of St. Martin-in-the Fields, in which parish three sides of Leicester-square were situated, he asked their Lordships to give a favourable consideration to the Bill. It was not many years since the area was a fashionable pleasure-ground in front of Leicester-house, around which there were gathered so many historical recollections connected with the Royal Family of this country, as it was there

the Prince of Wales, the son of George the Second, kept his Court. Now it was an eye-sore by day, and a scene of infamy at night.

LORD CHELMSFORD read part of an advertisement drawn up in 1839 by Mr. George Robins, the celebrated auctioneer, announcing the sale of Leicester-square. The property was therein described as a noble pleasure-garden, which formed the whole interior of the square. It was a curious circumstance, however, that, after alluding in glowing terms to the attractions of the estate, the catalogue went down to the iron railings outside the square. This was a proof that the Square was private and not public property, though it might be that there were covenants against erecting buildings upon it. He agreed with his noble and learned Friend (Lord St. Leonards) that the Bill would unduly interfere with the rights of property.

EARL GRANVILLE approved of the Bill being referred to a Select Committee. It seemed to him a harmless measure, for it only proposed to do what all seemed to wish to be done.

LORD ST. LEONARDS would be as glad as any one to see Leicester-square improved, but he had satisfied himself that the title of the owner was as good as any title to estates possessed by their Lordships; and as Parliament had always maintained the rights of property, any adverse claim ought to be established by the regular forms of law.

LORD CRANWORTH considered that the question of the care of all the open spaces in this metropolis was one which required the interference of Parliament. In the cities of the Continent all such spaces were given up to the people under some tacit arrangement. Owing, however, to the peculiarities of our social system, that was not the case here. The public were not to be benefited by depriving private owners of their property; but when the health and sanitary condition of the people were taken into consideration, there was some ground for the Legislature interfering, and securing them for the public use, by prohibiting any permanent erections upon them.

LORD REDESDALE reminded their Lordships of his observations upon the second reading of his Bill, demonstrating that the contemplated interference with private rights was not without precedent, and that the measure was not directed solely against Leicester-square.

Order for Committee *discharged*.

*Moved*, That the Bill be *referred* to a Select Committee.

Motion *agreed to*; Bill *referred* to a Select Committee accordingly.

House adjourned at Six o'clock  
till To-morrow, half-past  
Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, March 6, 1862.*

MINUTES.] PUBLIC BILLS.—1<sup>o</sup> Transfer of Stocks (Ireland); Industrial Schools Acts (1861) Amendment.

2<sup>o</sup> Copyright (Works of Art).

3<sup>o</sup> Exchequer Bills.

### INSURRECTION IN GREECE.

#### QUESTION.

MR. BAILLIE COCHRANE said, he wished to ask, Whether the Government have received any information of an insurrection which has broken out at Nauplia and other places in Greece; and whether any ships have been ordered up for the [protection of British interests?

MR. LAYARD: There has been no recent information from Greece received at the Foreign Office. I am not aware of any insurrection having broken out except at Nauplia.

MR. BAILLIE COCHRANE: Will the hon. Gentleman lay the papers on the table?

MR. LAYARD: There are no papers at present.

### EDUCATION IN SCOTLAND.

#### QUESTION.

MR. BLACK said, he wished to ask the Lord Advocate, If he intends to bring in a Bill for the establishment of a National System of Education in Scotland; and, if so, when he expects to introduce it?

THE LORD ADVOCATE said, he hoped to be able to state some day in the following week the course which the Government intended to pursue with reference to education in Scotland.

MR. WHALLEY AND MR. BERNAL OSBORNE.—PERSONAL EXPLANATION.

MR. BERNAL OSBORNE: Sir, I rise to make a short personal explanation with regard to a statement which I made on Tuesday evening last concerning the hon.

*Lord Redesdale*

Member for Peterborough. I stated on that occasion that he had given a tower, which he had built on some leasehold premises of his, to the Orangemen of Liverpool. I wish to correct that statement. The hon. Gentleman has called my attention to the subject, and has informed me that he did not build that tower, and that I had misrepresented him in saying he gave it to the Orangemen of Liverpool. It seems that he has only lent this tower for occasional and convivial picnics. That is the first impression I wish to remove from the minds of hon. Members. The next point is with regard to the leasehold premises; and there, Sir, I have altogether fallen into an error. The property is not, he assures me, leasehold; and I am requested to state, on the part of the hon. Gentleman, that he holds in fee simple the said tower. There is also another point with regard to a certain quotation which I thought I had heard him make in the Rotunda at Dublin. I am not positive on this point, and the hon. Gentleman denies that he quoted the precise lines which he read to the House the other evening. Well, there was great confusion, and I thought I caught the lines about Columbia, and I certainly thought I heard that "Erin smiled" or "had a tear in her eye," or something of that sort. The hon. Gentleman says he did not make that quotation. I therefore withdraw the assertion, and hope the hon. Gentleman will never make any quotation of the sort again.

### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

### THE ARMY ESTIMATES.

#### QUESTION.

GENERAL PEEL said, he wished to ask the right hon. Gentleman the Secretary for War a question with respect to the manner in which certain troops were set down in the Army Estimates. His question had reference to a Vote which had already passed. Early in the Session he obtained a Return which he had expected would have shown the number of men on the British and Indian establishments respectively; but the Return did not afford him the desired information. However he had hoped that, in reply to questions



put to him on Monday evening, when the Estimates were moved, the right hon. Gentleman would have made the matter clear, but the explanations given on that evening had so complicated it that it was now impossible to say how it really was. There was now but one army, and the distinction between the English establishment and the Indian was kept up for the purpose of appropriating the charges. On Monday evening the hon. Member the late Under Secretary for War stated that the number of men on the British establishment included 4,000 men of the Royal Artillery, whom the English Government were raising for India, but who would be paid for by the Indian Government. He thought, then, that by deducting those 4,000 men from the British establishment and adding them to the Indian, he could arrive at the correct numbers; but it appeared that he was wrong, because on the Indian establishment there were 5,000 or 6,000 men in depôt who were charged on the British. He did not want to tax the calculating powers of the right hon. Gentleman with any minute details, but he wanted to know whether those 3,000 or 4,000 men of the Royal Artillery raised for the Indian Government were included in the charges for the British establishment; and, if not, whether the expenses of those men were included in the amount estimated to be received from the Indian Government, and which would be paid in the Exchequer during the year. If they were not provided for in either way, he should like to know how they were charged. He was also desirous of learning how for the future hon. Members were to word Returns in order that the latter might give that information which the House was entitled to have with respect to the number of men borne on the respective establishments.

SIR GEORGE LEWIS said, he was not prepared to answer this minute question at that moment. He could only state his impression that those men were included in the numbers already voted; but if the right hon. and gallant Gentleman would have the kindness to allow him to answer the question on a future night, he should, no doubt, be able to do so in a satisfactory manner.

#### EDUCATION IN THE ARMY.

##### QUESTION.

MR. SELWYN said, that before putting the question of which he had given notice,

he would detain the House for a very few moments with some remarks by way of explanation. The right hon. Baronet the Secretary of State for War had partly answered the question in his speech when moving the Army Estimates; but the right hon. Baronet had not explained what he (Mr. Selwyn) confessed he was unable to comprehend—namely, the reasons for the distinction which he drew on that occasion between purchasing and non-purchasing officers in respect to education. As he understood the right hon. Baronet, he did not intend to extend compulsory education at Sandhurst to officers who purchased their commissions, while such education was to be compulsory in the case of officers who did not purchase. As some hon. Members understood it, the compulsory education was only to extend to those regiments in India which were called “non-purchasing regiments.” However that might be, he could not see why a distinction should be drawn between those who purchased and those who did not. It appeared to him, that unless some valid ground for such a distinction could be shown, the only question should be—whether there ought to be any compulsory education for officers at all—whether their education ought not to be entirely open and free. The question was one of considerable importance in a financial point of view, because in 1860 Lord Herbert advised the House that if any extension of Sandhurst took place it would involve a very considerable additional expense. Last year a sum of £15,000 was taken for that college, and a large increase was asked for this year under the same head. The time had arrived for resisting any attempt at enlarging Sandhurst, unless some very strong reasons were shown for such an enlargement. He rested the case on higher grounds than those of mere finance; because, considering how great and how widely spread the influence of the army was for good or evil, and viewing the proper education of the officers of that army as a matter of very great importance, he should not grudge any sum that it might be necessary to expend for that purpose. He wished it to be distinctly understood that the council and senate of the University of Cambridge by no means desired to establish a monopoly of military education. On the contrary, they desired that Oxford should join them; and, indeed, Oxford had already made an offer to do so, and he believed

that Dublin would desire to be a fellow-labourer in the work. They all desired that the system of education for officers of the army should be free and open, and that success should be the test of the best method of education. The real question was, what was the best mode of educating the officers of the army. Let the House look at the position in which they were placed. Most of them joined the army at a very youthful age, and were for a great portion of their lives, and not only when in camps but also in distant stations and garrisons, necessarily confined to a very exclusive society. It was, therefore, desirable that this exclusive position, and the contraction of ideas occasioned by it, should be postponed until the latest possible period. It was in that spirit the University of Cambridge made to the War Office their very liberal offer, amounting to this—that they would provide the means of education for young men who intended to join the army, that they should reside at the University for a period of nineteen or twenty months, that at the end of that time they should obtain the degree of military cadets, and that they should receive, not only theoretical instruction, but also military instruction and drill. That proposal had not been accepted by the War Office, but, on the contrary, it was proposed that the plan of compulsory education at Sandhurst should be adopted. He looked with confidence to the support of those of the right hon. Gentleman's colleagues who were favourable to the system in education of payment for results, and who held that proficiency was best proved by examination. If the War Office thought that these young men should pass an examination, he saw no reason why they should insist upon their acquiring the necessary knowledge at any particular place or under any particular circumstances. Without detaining the House further, he would ask the Secretary of State for War, Whether it is the intention of the Government to enlarge the Military College at Sandhurst, and to insist upon a compulsory residence there of all Candidates for Commissions in the Army, or whether the offer made by the University of Cambridge for establishing Military Education at that University will be accepted?

Mr. HASSARD said, he wished to ask the Secretary of State for War, Why the recommendation contained in the "Interim Reports of Sanitary Defects in Barracks," that Gas should be introduced

into the Barracks in the City of Waterford, had not yet been carried out? Would the right hon. Gentleman also state, Whether any part of the £3,000 appropriated for the accommodation of wives and children of soldiers in the hospital would be allotted to Waterford?

Mr. LEFROY said, that since he came down to the House he had received a telegraphic message from the Board of Trinity College, Dublin, requesting him strongly to support the proposition of his hon. and learned Friend (Mr. Selwyn). The Board of Trinity College had already been in communication with the right hon. Gentleman on the subject of military education. He entirely concurred in what had fallen from his hon. and learned Friend, and he trusted that the right hon. Gentleman's reply would be satisfactory.

COLONEL KNOX said, that a vote of £15,000 had been taken in the last year for Sandhurst. A pledge had been given that that Vote should not be used until the Military Education scheme had been laid on the table. That scheme had not been laid on the table, but he was afraid the money had been spent.

#### COLONIAL MILITARY EXPENDITURE. QUESTION.

Mr. BAXTER said, he had withdrawn the Amendment he had proposed on Tuesday evening, on the assurance of the Under Secretary of State for the Colonies that it was needless, as the Government were already acting on the principle contained in it. On turning to the Estimates, however, he found a vote of £28,000 for fortifications for colonies having representative Governments, or which were referred to in the report of the Select Committee of last year. He wished to ask whether these payments were for works already done, or for works in progress. If any portion of the sum to be voted that night was for new works, he should be obliged again to bring forward his resolution.

LORD WILLIAM GRAHAM said, that the Committee on Colonial Military Expenditure recommended that a statement should be appended to the Army Estimates showing the sums received from each colony during the last financial year, and the total military charge on the colony. He should like to know why that return had not been appended to the Estimates. A paper had been handed in to the Committee last year giving the expenditure up to March 31, 1860; and

*Mr. Selwyn*



if the recommendation of the Committee had been attended to, there might have been appended to the Estimates the expenditure up to March 31, 1861.

SIR GEORGE LEWIS: Sir, I will first answer the question of the noble Lord (Lord William Graham). There is appended to the Estimate a statement with regard to the military expenditure of the colonies, and of the amount included in the Army Estimates of 1862-3, the probable sum to be repaid by the colonies. That is framed according to the best information the Government could obtain. The noble Lord asks, I presume, why the Government have not presented an account of the expenditure in the year ending April 1st next.

LORD WILLIAM GRAHAM: There was an account given in last year of the expenditure ending March 31, 1860, and I ask for the account for the year after that—the year ending March 31, 1861.

SIR GEORGE LEWIS: No doubt that account could be furnished. But it was thought that the account appended to the Estimate would give a more satisfactory view of the question for decision in the Committee of Supply. Whether the account ending March 31, last year, to which the noble Lord refers, is ready, I do not know, but I will inquire. If it is, I have no objection to lay it on the table. The account, however, now appended to the Estimates will put the Committee in possession of all that is material in regard to the present Vote.

With respect to the question of the hon. and learned Member (Mr. Selwyn) and what has subsequently fallen from an hon. and gallant Gentleman (Colonel Knox), I may state that the sum of £15,000 which was taken last year for Sandhurst has not been expended, and that the sum of £10,787 which stands on the Estimates this year is simply a re-Vote. If the House should agree, it is intended to contract for the enlargement of the building, so as to render it available for the increased number of students at Sandhurst, assuming that the new regulations which it is proposed to introduce with regard to the non-purchase of commissions should be adopted. The hon. and learned Gentleman (Mr. Selwyn) says there is no difference between non-purchased and purchased commissions with respect to examination; and that if persons who do not purchase their commissions ought to go through an examination, so persons who

do purchase their commissions ought likewise to be examined. Put in that abstract way, the hon. and learned Gentleman may be right; but he must remember that there is a great difference between non-purchased and purchased commissions. In the case of commissions obtained by purchase the patronage of the Horse Guards is very limited. A person gives value for the commission that he receives; but in the case of a non-purchased commission it is absolutely a matter of patronage. Under those circumstances, it was thought desirable to guard against the possible abuse of patronage by requiring the qualifications of a year's instruction at Sandhurst and the passing of an examination. The House will see there is a great deal of difference between the principles of the two cases. I have already stated that it is not my intention to propose any addition to Sandhurst beyond what is necessary for the accommodation of candidates who have not purchased commissions. As to the latter part of the hon. and learned Gentleman's question, I have only to say that a letter has been addressed to the War Department from the Universities both of Oxford and Cambridge on the subject, and an answer has been given stating the terms on which it is proposed that students from those Universities would be admissible into the army; and if the hon. and learned Gentleman thinks fit to move for that correspondence, there would be no difficulty in producing it. In fact, I think it is desirable that it should be laid on the table, and I will myself move for it if the hon. and learned Gentleman does not.

With respect to Waterford Barrack being lighted with gas, that barrack has, I believe, been now in use for some time, but it is not one which has been permanently used. The object of the War Department, however, was to introduce gas only where the saving by doing so would be apparent. I would not give any pledge that gas will be introduced into Waterford Barrack, but the matter will be taken into consideration. As to part of the £3,000 taken for the accommodation of the wives and children of soldiers in the hospitals connected with the barracks, I cannot at present state that it is intended to apply a portion of that sum to the Waterford Barracks.

With regard to fortifications, I did not understand that my hon. Friend (Mr. C.

Fortescue) had given any absolute assurance that no Vote would be taken for fortifications in the colonies during the present Session. In fact, the Army Estimates, containing those Votes to which my hon. Friend (Mr. Baxter) refers, were already on the table at the time when my hon. Friend the under Secretary for the colonies made his speech. All that is intended with regard to Mauritius is to complete the work which is already in progress. With respect to Halifax and St. John's, Newfoundland, the Votes are new Votes, but the proposition for fortifying those places was framed at the time of the alarm of hostilities with the United States, and there is no doubt that Halifax in particular is insufficiently fortified. It was on that account those proposals were made.

MR. CHICHESTER FORTESCUE explained, that in what he said on the previous night he made no allusion whatever to the Army Estimates on the table, but only gave an opinion with respect to the general policy of colonial fortification. He had not referred to any small special outlay which the War Department might think necessary.

MR. G. W. HOPE said, with reference to the mode of admission to Sandhurst, that he last year took exception to the Vote for that establishment which was then proposed. His objections, however, had been greatly obviated by the assurance that no gentlemen would be required to pass through the College who had not received their commissions for nothing. At the same time it appeared by the statement of Lord Herbert before the Military Organization Committee that so little was the popularity of Sandhurst at that time, that although it was considered that persons gained their commissions there by competition, there was practically no competition, but every one who entered the College in due course received his commission. It was stated before the Committee that the subject was under consideration, whether the entrance was to be by competition or nomination. It was stated last year by the Secretary for War that the entrance should be by nomination, and consequently the nomination would be equivalent to giving a commission. He wished to know whether the entrance was to be by open competition or by nomination?

LORD ADOLPHUS VANE TEMPEST said, he trusted the opinions expressed on

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Thursday evening in Committee in favour of giving some assistance to the Volunteer forces would have some weight with Her Majesty's Government. The remark might not apply to the metropolitan regiments; but unless some assistance was given to Volunteer corps in the country towards renewing their accoutrements, the Volunteer force would fall off in a manner which no hon. Member of that House would wish to see. He was anxious to know, then, whether Her Majesty's Government would sanction the issue of clothing at contract prices to Volunteers; and also whether they would consider the expediency of giving a contingent allowance per man (according to the strength of the corps at the annual inspection) in aid of renewal of clothing and equipments?

*Motion agreed to.*

#### SUPPLY—ARMY ESTIMATES.

House in Committee.

MR. MASSEY in the Chair.

(1). Motion made, and Question proposed,

“That a sum, not exceeding £209,901, be granted to Her Majesty, to defray the Charge of the Departments of the Secretary of State for War and the General Commanding in Chief, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive.”

SIR HENRY WILLOUGHBY said, he wished to call attention to the enormous increase in the allowance for law expenses. It was something fabulous. The estimated sum last year was £11,000, which was an immense increase on the charge in former years, and now it was £15,500. One really would have expected that the Horse Guards army was going to law, and not to war. He would move to reduce the vote by £4,000.

MAJOR KNOX said, it appeared that a new office had been created, that of assistant solicitor at a salary of £825 a year. He should like to know the object of such an appointment, as it might reasonably be supposed that one solicitor would be sufficient; and also why thirty-seven additional clerks had been employed. There was also a great number of temporary messengers and doorkeepers employed. He thought those appointments would be well bestowed on well-conducted non-commissioned officers and soldiers of the Guards, who had a great deal of spare



time. He should like to know whether the right hon. Gentleman would take that suggestion into consideration?

SIR GEORGE LEWIS said, the reason why the law charges were heavier than usual, and why it had been necessary to appoint an assistant solicitor was the great increase of legal business consequent upon the fortifications that had been undertaken, and the investigation of titles. The Fortification Vote, which amounted to a large sum, was placed under the administration of the War Office, and that circumstance added materially to the business of that department. There were many other causes which of late years had increased the duties of the War Office—for example, the correspondence with the Volunteers; but the reason which had made it necessary to increase the legal staff was, as he had stated, the investigation of titles. The office of the Assistant Under Secretary, who died in the course of last year had not been filled up; and in the upper branches of the office there had not been any increase.

MR. W. WILLIAMS said, he thought that some explanation ought to be given of the excess over last year's vote of £8,000, caused partly by the employment of extra clerks, and also of the employment of a captain in the navy with a salary of £1,200, independent of his half-pay, as director of stores and clothing for the army.

SIR GEORGE LEWIS said, he could say from experience that the naval captain referred to was a very valuable and efficient public officer, and extremely competent to discharge the duties connected with his appointment. With regard to the number of clerks the increase was apparent, not real, owing to the conversion of temporary clerks into permanent clerks, in consequence of opinions expressed by various Members in that House and of the recommendation of the commission of last year. He did not think that he had made an appointment of temporary messenger since he had been in office, though he had converted temporary into permanent messengers. Still, the suggestion of the gallant Major (Major Knox) should receive attention the first time that he (Sir George Lewis) had occasion to appoint a temporary messenger.

SIR HENRY WILLOUGHBY thought the explanation of the right hon. Baronet very unsatisfactory. He considered that

the expenditure on these enormous fortifications was very unwise, but at any rate the legal expenses ought to come out of the special fund provided for the fortifications themselves.

SIR GEORGE LEWIS said, he would point out that, according to the terms of the Act of Parliament, the whole of the sum agreed to for the fortifications must be expended on the works, and he therefore doubted whether the War Department had any power to charge the additional expenditure for legal services on the Fortification Vote. But if Government were to act on the principle of charging that expenditure on the Fortification Vote, the services of other officers and clerks in the War Department, whose principal duties were connected with the expenditure of the money provided by the Fortification Vote, ought equally to be charged on the same Vote. He could only say that the increase was a *bond fide* increase, and there was no wish on the part of the War Department to favour any individual. There was business of considerable amount which must be done and must be paid for; but as soon as the fortifications should be completed, there would be no disposition to retain the services of any person taken on only for temporary duty.

COLONEL DICKSON intimated his intention to vote for the proposed reduction. The right hon. Secretary for War stated that the reason of the extra expense of £8,000 was because some temporary clerks had been transferred to the permanent establishment; but he found that the decrease on account of temporary clerks amounted to only £4,000.

MR. WALPOLE remarked, that it appeared from the report of the Military Organization Committee that the employment of temporary clerks was deemed detrimental to the proper transaction of business.

SIR FREDERIC SMITH said, he thought it would be fairer to charge to the account of the Fortification Vote not only the law expenses, but everything connected with the fortifications to which that Vote applied.

SIR GEORGE LEWIS said, he was proceeding in the course of converting temporary clerks into permanent clerks as fast as possible; but there was some difficulty in effecting the object, in consequence of the rules as to Civil Service examinations, because it would be un-

doubtedly hard that persons who had been employed as temporary clerks, and had given satisfaction for seven or eight years in that capacity, should be subjected to a fresh examination before their appointment as permanent clerks. He had, however, done his best in that matter by transferring clerks from one department to another, without making examination a condition of the change; and he certainly should not lose sight of the object adverted to by the right hon. Gentleman—the conversion of temporary into permanent clerks. With regard to the fortification loan, it was certainly the intention of the House that the money should be applicable to the works, and to, perhaps, some local superintendence of these works; but as far as central superintendence was concerned that was made subject to an annual charge. Of course it was competent for the House to change its policy, and the House might perhaps think it worth while to do so, if a large annual sum were in question; but, as it was, the Estimate was framed in conformity with the existing arrangement.

Motion made, and Question,

“That a sum, not exceeding £205,901, be granted to Her Majesty, to defray the Charge of the Departments of the Secretary of State for War and the General Commanding in Chief, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive,”

—put, and *negatived*.

MR. CHILDERS said, he conceived that the Committee ought to have from the right hon. the Secretary for War some distinct assurance that the steady annual increase of the Vote should not be allowed to continue. He found, after careful examination, not of the Estimates, but of the actual appropriations of the last ten years, that an enormous increase in the expenditure of the War Department had gradually taken place. A comparison, for instance, of the year 1855-6, when the military establishment was notoriously high, with the present year, showed the following result—That whereas the number of men asked for in the Estimates in the former year was 215,941, and the number in the latter only 145,450, the sum voted for salaries and contingencies in connection with the War Office was only £160,459 in 1855-6, while, although since that time military departments which were then separate had been combined with the view of effecting

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a saving, the sum asked for, for the expenditure of the office in 1862-3, was actually £209,901—an increase of over £49,000 on a comparison of the two years, notwithstanding that the number of men voted was diminished by upwards of 70,000. He might further observe that he found, on looking over the Estimates, that the expenditure for the establishment of the Judge Advocate was in the year 1855-6 included in that of the War Office, whereas it was now embraced in another Vote. He might say that he had been careful to eliminate the charges for postage, so as to compare the different plans fairly. The increase in the expense of the department he believed to be pretty much in proportion to the number of persons employed; for comparing the War Office staff—and he must observe that his remarks did not relate to the Horse Guards—for 1855-6 with that for 1862-3, he had ascertained, that whereas with a force of over 215,000 men only 267 clerks were employed, there were now, notwithstanding the consolidation of the departments and the diminution in the number of men which had taken place, no less than 394. He was of course quite aware that there was work in connection with the Volunteer force to be done which was not called for some six or seven years ago; but neither that circumstance nor the allowance to be made upon the score that the expenditure for 1854 must not be judged of from the estimates, but rather from the actual audited accounts, satisfactorily showed why an increase of no less than 115 or 120 in the number of clerks had since taken place. The Committee, he could not therefore help thinking, were entitled to have some explanation on the subject from the right hon. Gentleman at the head of the War Department. He did not assert that the increase could not be justified, but he did maintain that no sufficient justification had been offered up to that time.

SIR GEORGE LEWIS said, that two years previously a Committee on military organization, presided over by no less an authority than the late Sir James Graham, had investigated the whole subject of the constitution of the War Department, and he felt no doubt, that if that Committee were of opinion that any great economy could be introduced into its working, they would have made a recommendation to that effect. He might add that a very large branch of the office—the de-



partment of the Accountant General—had last year been examined into by an official Committee, in which the Treasury was amply represented, with the object of seeing whether the strength of the department might not be diminished; but that they arrived rather at a conclusion that it was desirable it should be increased. So far as he was personally concerned, his business was to make a comparison between the state of things which he found on his accession to office and the Estimates for the preceding year, unless there were some reason—which he did not think there was—for supposing that the assent of Parliament had been surreptitiously obtained to those Estimates without an examination of the real merits of the case. His hon. Friend, it was true, had gone back to the year 1856; but though he (Sir George Lewis) could not attempt to explain the increase in the Estimates of the current year over those of 1856, he was quite prepared to explain the small increase which had taken place since his accession to office. He might remark, however, that his hon. Friend seemed to forget that duties had since 1856 been thrown on the War Office for discharge which rendered necessary an increased establishment. Great manufactories, such as those at Woolwich and Enfield, in connection with the office, had sprung up almost entirely since 1856, and he felt assured many hon. Gentlemen could bear him out in the statement that a great increase of the business of the office had been the result. Another cause of the increase was to be found in the amalgamation of the Indian with the Queen's army, a considerable amount of the business incidental to which devolved on the department over which he presided. Then there was also the business connected with the Volunteer force, and the new subject of fortifications. He had made it his business to make inquiries with respect to the staff of the War Office. The number of clerks certainly seemed large, but from all the information he had been able to gather from the heads of departments, he believed that they were all employed, and that the office was by no means overhanded. He might further observe that the accountant's branch of the office embraced nearly half the number, inasmuch as all the regimental accounts had to be investigated, and an enormous staff was required for the purposes of auditing the innumerable details of army

expenditure. Those duties could be satisfactorily discharged only by a large number; and while, of course, it would be impossible for him to satisfy the hon. Gentleman as to the necessity of having a particular clerk, he could assure him that if, upon inquiry, he found any material reduction could be effected, he should be happy to carry it into effect. If his hon. Friend were not contented with that assurance, he should not have the smallest objection to the appointment of a Committee to overhaul the department, and to ascertain whether the number of hands engaged was unnecessarily large.

Original Question put, and *agreed to.*

(2) £334,151, Manufacturing Departments, &c.

SIR GEORGE LEWIS: Before the Committee proceed to the discussion of this vote I think I shall best discharge my duty by giving them a general view of our manufacturing and other establishments connected with the War Office, and also by stating some of the more important results of the operations of those departments. We have at Woolwich a Royal gun factory, a Royal carriage department, a laboratory, the department of the Inspector of Artillery, and what is called the chymical department. At Enfield there is a small-arm factory, and at Pimlico and the Tower establishments for the repair of arms. At Birmingham we have an establishment for the examination of contract small-arms, and at Waltham Abbey there is a Royal gunpowder factory. There is a small laboratory at Portsmouth. At Plymouth there is a similar department, and we have also the establishment belonging to the Elswick Ordnance Company. These are the principal establishments in connection with the War Office. The quantity of arms and stores which they produce is very large. Take the small-arms. Since 1853 the number of small-arms manufactured has been 1,066,586, and there have been issued to the army, militia, volunteers, navy, marines, and other forces 501,321; to the Indian Government, 169,895; and to colonial Governments, 15,000—making a total of 686,216. We have in store at home and abroad 359,695; rendered unserviceable from wear and tear and other casualties, 20,675, which make up the whole number of 1,066,586.

I now come to the question of iron ordnance. The Committee are doubtless

aware that a great change has recently been introduced into our iron ordnance, in consequence of the improvements made by Sir William Armstrong. The sum appropriated during the current financial year for the manufacture of Armstrong guns will have been altogether £521,000, for which sum 1,489 guns will have been produced. Of these nearly two thirds are heavy guns, 681 being 100-pounders and 341 40-pounders. These, with about 900 guns previously supplied, will make up a total of about 2,400 Armstrong guns. About the same number of guns will be produced for the sum which we propose to appropriate next year. Much interest has been excited by statements as to the failure of the Armstrong guns. I am in a position, however, from the information I have obtained, to give an entire denial to those reports. If it were necessary, I could lay before the Committee the particular points upon which dissatisfaction has been expressed; but I think it will be better not to anticipate any objections which may be made. Suffice it to say that the evidence which has been produced convinces me that the statements with respect to the failure of the Armstrong guns are either entirely erroneous or grossly exaggerated, and that, upon the whole, with the exception of certain slight defects which have been remedied by subsequent improvements, the guns of Sir William Armstrong have answered all the purposes that were expected of them. There is next the question of the Whitworth guns. Mr. Whitworth is a very ingenious man, who proposes a certain improvement both in our large guns and in the regulation Enfield rifle. Last Session there was a debate upon the subject of the Whitworth rifle, and the Government undertook that the matter should be carefully considered. I shall state to the Committee exactly what has been done with respect to the inventions of Mr. Whitworth. A battery of six guns, complete for the field, has been cast at Woolwich according to a pattern furnished by Mr. Whitworth, and the guns have been bored by himself. That battery is intended to be used in the field, and will thus be tried by the experiment of actual service. In that manner we shall, I think, best arrive at a knowledge of the comparative merits of the Whitworth iron ordnance. Coming to small-arms, 1,000 rifles are to be made at Enfield according to a pattern supplied by Mr. Whitworth, and an

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infantry regiment is to be armed with them experimentally. He is also to manufacture 500,000 rounds of ammunition at the public expense, and I may state that he has committed to Captain Boxer the manufacture of his shells and fuses. Thus we shall have an actual experience of both his rifles and his heavy ordnance. Of course, these experiments will necessarily be expensive, but the Committee will see that the Government have redeemed the promise they made last Session to give Mr. Whitworth a fair opportunity of bringing his alleged improvements to the test of actual experience.

The manufactories at Woolwich are undoubtedly on a very large scale—a scale which, although I believe it is gainful to the public as compared with the cost at which the same results could be obtained from contractors, is nevertheless maintained only at a large annual cost to the Exchequer. But it is right the Committee should also be informed that the results are very important, and that the reserves of warlike stores at Woolwich are not only very large, but may be regarded as available at any time on the shortest notice. There is a siege train of 105 pieces of ordnance, fully equipped, with 750 rounds per piece. That train is equal to operations against a fortress of first-class importance, and would be ready for shipment within forty-eight hours. Such a train did not exist at the time of the Crimean expedition. I believe, indeed, that there never was a time when the country was so well provided in that respect. There are 150 sea-service wooden mortar beds, with 13-inch mortars, and 100 octagon beds complete. We have a complete pontoon equipment and engineer field reserve for 20,000 men. Prior to the Crimean war the intrenchment tools were of very inferior manufacture. They are now all of the most approved patterns, and available for immediate issue. There is also a medical reserve of litters, ambulance waggons, and carts for 20,000 men, and a large stock of harness and saddlery, all ready for immediate use. I may say, generally, that the stores at Woolwich are on a very extensive scale, and would be ready for embarkation upon very short notice. Great exertions have also been made for the rearming of fortifications, not only at Gibraltar, Malta, and other foreign stations, but also at home. Abroad the old ordnance has been replaced by new and improved guns, while a great addition has been made to the ordnance of



forts in the United Kingdom. It is not necessary to read a list of the places which have been rearmed, but the Committee may rest assured that much has been done of late years to strengthen and improve our fortifications, both at home and abroad. The armament of the United Kingdom has been increased from 2,247 guns to 3,472. When the Committee bear in mind the great expense of each gun, they will see that the result just stated could not have been accomplished without a large outlay of money. It will be necessary to make in this Estimate a considerable addition to the sum formerly voted for gunpowder. The consumption of gunpowder has greatly increased of late years. In the current year—a year of peace—in consequence of the extent to which experimental firing is carried on, the consumption of gunpowder is almost as great as if it were a year of war. There has also been a great improvement in our field artillery, which, according to the modern system of war, is of vast importance. I could state the details of the addition which has been made to our field artillery, but the Committee may be satisfied with knowing that it is upon an extensive scale. I believe I have now put the Committee in possession of the general outlines of the Vote which is now before them; but before sitting down I should wish to impress upon them the conviction at which I have myself arrived, that the money voted by Parliament for warlike stores is economically and beneficially expended with respect to the objects for which it is destined. I am quite aware that there is an impression abroad on some part of the public that we might have a more efficient administration with diminished expense by some other organization. Since I came to my present office I have, to the best of my ability, sought to inform myself upon that point, and I have certainly arrived at this conclusion, that unless by diminishing the numerical strength of the army, or by diminishing the provision of ordnance, military stores, and other articles necessary for the carrying on of warfare according to modern scientific principles, or by diminishing the provision made for the health and comfort of the soldiers, it is impossible to make any material reduction in the amount of the present Estimates. I fear, unless we are prepared to resort to one of these three alternatives, it is not possible to make any great reduction in the present charge, unless it should be found that after a certain

time the provision of stores is sufficient to render a continuance of the present rate of manufacture unnecessary; and if we suppose that the progress of invention and improvement in the weapons of war should be arrested, that result might be hoped for. But if we are to have a constant rearming of our military forces—if there is to be a perpetual succession of new armaments—if the improved rifle or gun of to-day is to be discarded three or four years hence, I confess I cannot lead the Committee to anticipate with any sanguine hope any material reduction even in this large Estimate.

SIR HENRY WILLOUGHBY said, certain points in the Vote required more explanation than the right hon. Gentlemen had given. The Vote was very important, because it was the first of a series which disposed of several millions, and it was extremely doubtful whether those millions were wisely or prudently laid out. In 1860-1 more than 13,000 were employed in the manufacturing establishments; in 1861-2 the number was reduced to 12,000; and now the Committee was asked to vote 10,070 workmen, and to find materials for their employment. Those were large items, and the points he should have liked to hear more clearly elucidated were—what was the cost of the establishments, what means the right hon. Gentleman had of knowing that cost, who kept the accounts, and how the accounts were kept? In 1860 a very important Committee had sat for the purpose of investigating those subjects. Amongst other leading Members of that Committee were Sir James Graham, the right hon. and gallant Member for Huntingdon (General Peel), the right hon. Member for Coventry (Mr. Ellice), and the hon. and gallant General the Member for Wigan (General Lindsay); the House, therefore, had every guarantee that was necessary to assure them that the best attention would be given to the subject. That Committee discovered several defects, and they reported that a change in the then existing system of paying and accounting was necessary to secure economy in the administration of military affairs. Amongst other statements, the Report contained the following:—

“The arrangements are by no means satisfactory; there is no general cashier, no general paymaster. Each head of department employs his own labourers and fixes the rate of their wages. Public money is placed in private banks to the credit of each department, without any security.”

The Committee then recommended that the Government should take steps to amend the system. It was therefore desirable to know what changes had taken place in consequence of the Report, and what was the system since pursued. There was no doubt about the necessity of having manufacturing establishments, but the question was to what extent they should be allowed. It was a remarkable fact that the higher officers in the department had the greatest doubt as to the extent to which these manufacturing establishments were carried. Mr. Godley was examined before the Committee to which he had just alluded, and had stated it as his opinion that the Government did not trust sufficiently to private enterprise for the supply of stores. Sir Benjamin Hawes was of the same opinion; and although he was the person to whom, as a last resort, recourse could be had for information, he had confessed that he really had so much to do that he had not the power to inquire into or control these establishments. Such was the state of things in 1860. He should like to ask the right hon. Gentleman whether in the carriage department there was any balance-sheet at all. In 1860 there was no balance-sheet. He selected that department because it was certainly carried too far. If they had a good model, and knew what it cost, they might leave its production very much to private trade. He should also like to know what was the existing system as regarded stores. Had the right hon. Baronet any notion of our stocks? Had he any means of ascertaining them in the carriage department? In the laboratory, and especially in the small-arms manufactory at Enfield, which was under the superintendence of Colonel Dickson, a clear and satisfactory balance-sheet could always be obtained; but nothing of the kind could be got in any of the other establishments. Then, he would ask, what were they going to do with the present immense mass of stores? Was it not good sense to keep only stores sufficient for any immediate purpose, taking care to know where they could get others as they might want them? It was the addition of store upon store that involved such great expense to the country. It was here, if the House were inclined, that much might be done to relieve the public burdens. What had been done to carry out the recommendation of the Committee? From the evidence of Mr. Anderson it appeared that the officers of the Treasury

were well aware that there were great defects in the system. He did not believe that the right hon. Gentleman had any power to check it. No man on earth could do so; but the House ought to see that the expensive arms produced in their establishments were fairly accounted for, and in this way as much as possible lessen the burden on the public.

SIR GEORGE LEWIS: The hon. Baronet has carried down his readings in military history only to a certain period, and there stopped. He has followed the investigations of the Military Organization Committee, but he does not seem to have read the Report of the Committee to inquire into the Stores Department, which was presented on the 19th of March, 1861, and which was signed, among others, by Mr. Anderson, as representing the Treasury. Mr. Anderson, as every body knows, is an exceedingly acute accountant, and a most excellent, diligent, painstaking public servant; he made a report on this very subject, in which he says that all the defects of which the hon. Baronet spoke have since been rectified. The hon. Baronet does not appear to be aware of that report. I believe that in consequence of that Committee an inquiry has been made into the Woolwich accounts, and they were found perfectly satisfactory. A balance-sheet will now be sent in from every manufacturing establishment, which will be carefully examined. Every practicable security is taken to see that the Government manufactories are remunerative and the system conducted on a principal of profit. The rule which the War Office follows is not to adopt either Government manufactures or contract manufactures exclusively, but in every case to draw part of their supply from the one source and part from the other, so that the one may serve as a check upon the other. The Government manufactories are found by experience to act as a check upon the contractors; while, on the other hand, the price of the contractors furnishes a guide in ascertaining the remunerativeness of the Government's manufactories. I can only say that the Government establishments, tried by this test, are now worked economically. There is no doubt about the perfect honesty of the persons employed in them, and we believe that there is no waste, and that the system is good. The Government is always aware of the price at which the contractors can supply the same articles, and can there-

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fore judge when their own establishments would be working at a loss in producing them. There is, indeed, some difficulty in instituting an exact comparison between the cost of production in Government and in private manufactories, and the contractors complain that in estimating the comparative cost of the two articles we do not make a sufficient allowance for the deterioration of plant. It may not be very easy to come to a precise result in our calculation, but the principal adopted is, we think, a sound one. As to the taking of stock, with respect to which the hon. Baronet says there is no security, I believe that the heads of the Government departments keep a most accurate account of all the stores under their charge, and I always find that whenever I call for an account of the particular articles intrusted to them, they are able at once to give a distinct answer. The system of taking stock is, in fact, very complete, and leaves no doubt as to the amount of stores of various kinds which are in the different Government establishments. With these explanations I trust the Committee approve this vote.

Mr. ELLICE said, he thought it only fair to his hon. Friend opposite to say that what he had stated was perfectly correct—namely, that the Committee to which reference had been made, and of which he himself had had the honour to be a Member, found all the accounts of these establishments in a considerable state of confusion, not being kept as the accounts of private manufactories were kept, so as to enable the cost of the different articles produced to be ascertained, and to show on what principal that cost was calculated. The Committee also found that money was sent down to these establishments by private channels, and paid into the different local banks, instead of the very obvious rule adopted in the case of all other public establishments being followed—namely, that the money should be paid into the Bank of England to the account of the person who was responsible for its right application, and that the discharge should come in the same way by draughts upon the Bank. He had no doubt, however, that the requisite improvements had already been, or were about to be, adopted, in consequence of the recommendations of the Committee, and the inquiries which subsequently took place under the superintendence of the officers of the Treasury. All that the

House could ask was, that in each department manufacturing any particular kind of stores regular accounts should be kept, showing the details both of expenditure and receipt, the amount of stock in hand, and the cost of the different articles manufactured. His hon. Friend said, that in the department at Enfield, under the charge of Colonel Dickson, the accounts were perfectly plain. The same ought to be the case in all the other departments, and then they would have some check upon the public expenditure. There was, happily, every reason to believe that order was taking the place of the previous confusion, and that in another year each of the public establishments would produce a proper balance-sheet.

CAPTAIN JERVIS said, he well knew the feeling of the heads of the various departments to which allusion had been made in this discussion, and he was able to say that nothing would give them greater satisfaction than to submit their accounts to any kind of investigation that might be desired at any moment. The hon. Baronet had referred to the Report upon Military Organization, but another report had been presented to the House in consequence of the first. Three gentlemen connected with the Treasury were sent down to Woolwich to inquire into the system of accounts there, and their report was, that they had never seen such faithful, regular, and satisfactory accounts kept anywhere as of those establishments. As to the taking of stock, the hon. Baronet had only to go down to the laboratory or the carriage department the next day, and he would find that the authorities were able to give an account of the stock in every branch. The hon. Baronet had referred especially to the carriage department as one that could be all but dispensed with, and its work be turned over to the trade. He (Captain Jervis) quite agreed with the principle that Government establishments should generally be only used as checks on the trade; but at the same time they should always be kept in such a condition that Government could fall back upon them in time of need, when the trade failed. For instance, when during the late excitement it was apprehended that additional stores of small-arms would be immediately required, what would have been the case if the requisition had actually eventuated, and there had been no establishment at Enfield? There would have been no means of sup-

plying the want, because it was found that the trade had their hands already full with orders from America, Spain, and elsewhere. The hon. Baronet seemed to consider the carriage department as a minor establishment, but the Committee should bear in mind that the manufacture of a gun-carriage was of the utmost importance in relation to its efficiency in the field. Unless those responsible saw that every rivet and bolt was of the best description and driven in the best manner, that the wood was thoroughly seasoned, and, in fact, that every portion of the construction was perfect, it would be impossible to rely upon the artillery, one of the most important branches of the service, doing its duty upon foreign service. In such matters contractors could not be expected to be so particular. He was opposed, therefore, to any reduction of the kind suggested by the observations of the hon. Baronet.

Mr. MONSELL said, he quite concurred with the remarks of the hon. and gallant Member who had just sat down as to the establishment at Woolwich for the manufacture of ammunition and guns. The right hon. Member for Coventry (Mr. Ellice) was wrong in saying that the gun factory at Enfield was the only establishment the accounts of which were well kept at the period when the Committee sat. The accounts at the Royal Laboratory were then also in the same position. Balance-sheets that would be satisfactory to the House were henceforward to be presented from all these establishments. But the case of the army clothing manufactory was one of a totally different nature. The Committee would be asked for a Vote of £40,000 for new buildings and machinery to enlarge that establishment. The late Lord Herbert said that the true principle for the Government to act upon was to go to the trade for what the trade could make, and confine themselves to producing what the trade could not produce. At all events, with respect to clothing the Government ought certainly to maintain nothing more than a small establishment to check the private trade; but at this moment nine-tenths of the clothing for the army was made up in the Government establishments. If the clothing establishments were extended beyond their present proportions, the inevitable result would be to throw the entire clothing of the army into the hands of Government. There was, in his opinion, no

analogy between the manufacture of guns for the army and the making of coats and trousers; and therefore when the Vote of £40,000 additional for the enlargement of the clothing establishments came on, he should certainly take the sense of the Committee upon it.

SIR FREDERIC SMITH observed, he was glad to hear from the right hon. Baronet the Secretary for War, that he had received a Report which led him to believe that the adverse criticisms which had been pronounced upon the Armstrong gun were not borne out by facts. Every one would be rejoiced to hear that statement; but as some strong criticisms had been passed upon that weapon by a very experienced naval officer, the Committee and the country expected and were entitled to have further information. As the Government were now manufacturing monster Armstrongs, it was most important to ascertain whether it really was the best weapon of warfare. The right hon. Baronet had told the Committee that he intended to have a battery of Whitworth guns to be used upon service; but the fact ought to be ascertained beforehand which was the best, and whether there was a better weapon than either. Many ships in the navy were being chiefly armed with Armstrong guns; and if they were liable to become unserviceable in action, the ship would be practically unarmed. He was not at all disposed to think badly of the Armstrong gun—on the contrary, he thought it was an admirable gun; but upon so vital a point there ought to be something beyond mere opinion. With respect to the manufacturing department, he could say from experience that nothing could be more satisfactory than the arrangements at Woolwich, for which state of things the country was largely indebted to the right hon. Member for Limerick (Mr. Monsell). There were some articles, such as gun-carriages, for which they could not trust to private manufacturers, well-seasoned timber being absolutely necessary, and for that article the Government could best rely upon their own resources. The right hon. Baronet had said that Whitworth rifles were to be issued to one regiment; but the best mode of comparison would be to issue half Whitworths and half Enfields to the same regiment, which would enable the officers of such regiment to ascertain the relative qualities of each weapon. This could be merely an experimental arrangement, because, as a general prin-



ciple, it would be highly inconvenient to have two different descriptions of ammunition for the use of the same regiment.

MR. OSBORNE said, there was one extraordinary statement made by the right hon. Member for Limerick which required an answer. That right hon. Gentleman had said that nine-tenths of the clothing of the army was made in Government establishments. Such a fact was quite new to him, and he hoped the right hon. Baronet would be able to assure the Committee that the statement was incorrect; but, if it were true, then it was high time that the House should come to some direct vote upon the mode of clothing the army. No doubt much might be said in favour of manufacturing guns, gun-carriages, and ammunition in Government establishments, but what excuse could there be for the Government becoming a great clothing company.

MR. J. A. TURNER said, that from personal knowledge he could declare that nothing could be more disgraceful than the manner in which the accounts of the establishment at Weedon were kept. With respect to Woolwich, he could say, as he had said in the Report of the Royal Commissioners, that the accounts were admirably kept. The store accounts were almost perfect, but as to the manufacturing establishments, there were items of expense which were overlooked, such as allowance for interest on capital and insurance. He thought nothing could be more improper than for the Government to set up establishments to compete with manufacturers in articles which were of ordinary production and consumption, although there might be some exceptional articles which they might best manufacture for themselves.

MAJOR WINDSOR PARKER observed, that it was not necessary to manufacture gun-carriages in England to send out to India, because that country possessed the very finest and most suitable timber for making gun-carriages, and from the earliest time carriages made in India had been found the best and most enduring.

SIR HARRY VERNEY suggested, that the experiment should be tried of making articles of clothing in the barracks, as was done in the continental services. In France, for instance, every article worn by the soldier, with the exception of the eagle on his shako, was made in barracks. He believed that by the adoption of the same

system in this country a considerable saving would be effected. With regard to the rifles supplied to the Volunteers, he wished to know what steps had been taken to ascertain that these rifles existed, and were kept in a state of efficiency?

SIR GEORGE LEWIS said, he was quite prepared to answer at once the question as to clothing. The Committee were aware that the workmanship only was supplied by the Government establishment, the materials being supplied by contract. He was not aware that there was any intention of increasing the manufacture of clothing, and the enlargement at Pimlico was required not for that purpose, but to increase the available storage. The Committee would be able to judge to what extent the army drew their supplies from that source when he stated that thirty-nine battalions of infantry were supplied from Pimlico, while forty-six had their clothing made up by contractors.

MR. MONSELL said, he would beg leave to ask whether that statement referred to the whole of the clothing or only to the tunics?

SIR GEORGE LEWIS said, that the paper in his hand referred to clothing, and, as he supposed, included both trousers and tunics. As to the alleged failure of the Armstrong gun, he had before him some information on that point, which he would state to the Committee. In the first place, it was said that the vent-pieces had failed. Now, in proof of the almost complete removal of that liability he would state that about 150 40-pounder guns were lately proved without the failure of a single vent-piece. Some of the new vent-pieces had been exposed to sixty proof discharges without showing a symptom of weakness. Then it was said that the vent-pieces blew out; but experience had shown that that always happened from negligence or imperfect knowledge of the gun. The liability, however, had been almost entirely obviated by a modification which had been introduced into the pattern. It had not yet been applied to all the guns issued, but meanwhile it was hoped that where it had not been applied greater familiarity with the weapon would prevent these accidents. A further allegation was that the gas escaped from the breech in the case of the larger guns; but that imperfection had also been completely removed. Then it was said that the lead was liable to separate from the projectile. That defect was greatly exaggerated, but

the projectiles now made were altogether exempt from it.

COLONEL DICKSON said, he hoped that hon. Members would bear in mind the startling statement that nine-tenths of the army clothing were now being manufactured in the Government establishments. Moreover, he had reason to believe upon good authority that the notion was entertained of eventually manufacturing the whole of the clothing in that establishment.

MR. W. WILLIAMS said, he was astonished at the charge of £5,985 for sweeping chimneys. Surely there must be some mistake.

MR. BERNAL OSBORNE said, the right hon. Secretary for War was perhaps hardly aware that he was at the head of a great tailoring establishment. The fact was that the Government made all the trousers for the army, and forty-five regiments of the line alone got their tunics by contract. The system was slowly creeping on; and if it continued, the Government would by-and-by become a sort of monster Moses and Son.

MR. H. BAILLIE said, he did not see why, if the Government could undersell private manufacturers, they should not do so.

MR. BERNAL OSBORNE replied, that the Government manufacture was carried on at a loss, and was much more expensive than that of private persons.

MR. AUGUSTUS SMITH said, he could not understand why so much money should be required for lodgings out of barracks, when every year the House was asked for large sums for additional barrack accommodation. A large sum was also asked for rents of lands and buildings hired in connection with barracks, although the Vote for the purchase of lands and buildings had increased.

SIR GEORGE LEWIS said, that one of the principal items of the increase alluded to was occasioned by the recent expedition to Canada. With respect to lodging accommodation for married soldiers, there was a diminution, the item being £3,000 instead of £5,000 as in the Estimates for last year.

SIR MORTON PETO said, he wished to call attention to the Vote items of £61,584 for clerks of works, and foremen of works and clerks, on the Engineer civil establishments, only to guard himself against being supposed to approve the principle of it. He would not discuss the

*Sir George Lewis*

Vote itself, as he was a Member of the Committee appointed last Session to inquire into the subject, and it had not yet concluded its labours.

MAJOR KNOX said, he thought the Government had taken a step in the right direction by allowing certain corps of the army to make their own boots. Formerly a parcel of boots were sent out to a regiment many of which would fit no one in it. As to the army clothing, he believed the portion that came from the Pimlico establishment was better made than that furnished by contractors, and was thus an advantage to the soldier. He hoped the Government would persevere in making it.

MR. CAVE was also in favour of the continued manufacture of soldiers' clothing at Pimlico. He was not surprised to hear of the contractors, when he considered the of the superiority of the work over that starving rate of wages paid by the latter to their work-people.

MR. MONSELL said, all the clothing made by the Government had to pass through a most rigid inspection. If good, it passed; if bad, it did not pass. And if he was correctly informed, the inspectors reported quite as often against the Pimlico clothing as against that of the contractors.

COLONEL SYKES asked, whether arms were still purchased from foreign manufacturers, notwithstanding the Government had its own establishments for making them. If they were not, what was the use of maintaining officers at Liege and elsewhere to inspect them?

SIR GEORGE LEWIS explained, that some arms were being taken on old and outstanding contracts from Liege, but that no new contracts for arms were entered into.

COLONEL SYKES: Then the inspectors will not be continued when those contracts are completed?

SIR GEORGE LEWIS: No.

MR. W. WILLIAMS: When were those contracts entered into?

SIR GEORGE LEWIS: During the Crimean war.

MR. WARNER hoped some more satisfactory answer would be given to the question put by the hon. and gallant Member for Chatham (Sir Frederic Smith) as to the efficiency of the Armstrong gun. Captain Halstead had written a pamphlet that raised most serious complaints of the working of that weapon. The right



hon. Baronet (Sir George Lewis) had made some remarks on the subject, all of which might be found in Sir William Armstrong's letter to *The Times*, in reply to this pamphlet. These assertions of Sir William Armstrong had been contradicted in many particulars; and very grave doubts had been raised on the character of the gun; it was stated to be extremely dangerous not only to those who fired it, but to all who were within reach of it. He hoped the Government could give some information on the subject, or that there would be some further inquiry.

VISCOUNT PALMERSTON: The defect that was mentioned was certainly much felt in the early period of the use of the gun. The objection was that the lead placed on the iron shot, in order to make it fit the interior groove, stripped off soon after the projectile quitted the muzzle of the piece. That difficulty has now been corrected. The lead is fastened in a manner that prevents it from stripping off until the shot either strikes the ground, *en ricochet*, or the object against which it is directed. It is satisfactory to know that the difficulty of the lead stripping off the shot, which was attended with danger to the troops when fired over their heads, has ceased to exist. The splitting of the vent-piece has been pretty nearly corrected by an improvement in the metal used in their construction. There was also an objection to the vent-piece, that it was sometimes liable to be blown out in firing. But the cause of this was almost invariably found to be the not placing it properly in the gun—that is, not allowing it to drop freely into its place. By this means the screw was forced up against the breech, the vent-piece was forced from its position, and a hollow was formed behind it. The consequence is, that in firing the gas gets into this space, which, if the vent piece is dropped freely into its position, and the screw acts freely, it cannot do. As to the marine gun, there is another cause that often prevents the vent-piece from being properly screwed up. When the gun is elevated by coigns, these coigns often stop the handle of the breech-screw from working, and prevent it from going completely up; an arrangement is being made to remedy this inconvenience, and when the vent-piece is properly screwed up it is impossible an accident can happen.

MAJOR WINDSOR PARKER said, that he considered the item of nearly £6,000 for sweeping chimneys a monstrous one.

The value of the soot, one of the best known fertilizers, ought, under proper arrangements, fully to cover the expense of the work.

SIR GEORGE LEWIS said, he was under the impression that private individuals had to pay for having chimneys swept, and did not find the soot returned them a profit. Many of the buildings in charge of the War Department were very extensive, having the character of manufactories, and the chimney-sweeping was mostly done by contract. Another item, of which no notice had been taken, was one to which the objection would equally apply; it was the charge of more than £12,000 for emptying cesspools.

Sir FREDERIC SMITH pointed out to the Committee that last year the vote for these items was £45,000; the present was £28,000—a reduction of £17,000.

Mr. DARBY GRIFFITH inquired, whether any decision had been arrived at by the right hon. Gentleman regarding the superior efficiency of the rifles served out to the Engineers over the ordinary Enfield rifle, and to what extent it was likely the principle would be adopted in arming the other branches of our military force?

SIR GEORGE LEWIS said, the hon. Gentleman wished to elicit his opinion as to the relative merits of a large bore and a small bore. Experiments were going on, he believed, for the purpose of determining the very question to which he has called attention, and he hoped within a reasonable time to be able to give a decided answer.

Mr. DARBY GRIFFITH said, he was glad he had been fortunate enough to elicit a joke on so dry a subject.

*Vote agreed to; as was also*

(3.) £766,091, Wages to Artificers.

(4.) £597,264, Clothing and Necessaries.

Mr. BERNAL OSBORNE said, a question had been asked on a former evening with regard to the transmutation of certain regiments from Light Dragoons into Hussars, and the official reply was that the change had been recommended by a Commission of General Officers, but no further information was offered. With all deference to the body of General Officers, he thought the change highly injudicious; for regiments cherished old badges and their ancient prestige, and were stimulated by that very renown and feeling of in-

dividuality to increased efficiency. The 3rd, 4th, 13th, and 14th Light Dragoons were all distinguished regiments; they had done good service at Salamanca, at Vittoria, and in the Indian campaigns. What had been gained, then, by depriving them of the old British name, under which they won their glory, and converting them into foreign Hussars? In the infantry the same system of taking away all the distinctions on which regiments prided themselves was adopted. The Fusiliers were proud of their caps; these had been taken away from them. The 7th Fusiliers boasted of the fact that all their junior officers were lieutenants; this privilege, given as a reward for some distinguished services, had been cancelled. All were reduced to the same dead level. Was there any economy in such a proceeding? He maintained that there was none. Did it infuse additional spirit into the service? On the contrary, he knew, from dining at mess, that officers no longer felt the same pride in their own regiments.

SIR GEORGE LEWIS said, the change referred to had not originated in any way with the Executive Government, but was regarded by them as connected with the discipline of the army. The Military Commission had recommended the change, and also further alterations, which were agreed to. The alterations were in the names of the regiments, and a slight change in the dress, which would be found, on investigation, to be really almost nominal.

MR. BERNAL OSBORNE said, he believed the change from a Light Dragoon to a Hussar would entail an expenditure of £150 upon an officer. In point of fact, a Hussar was clothed rather more heavily, and wore four additional bars of lace. But what he objected to most strongly was the destruction of the *esprit de corps* in the different regiments.

COLONEL NORTH said, he could confirm the statements of the hon. Gentleman opposite. He well remembered the disgust which had been excited in the ranks of the Fusiliers when their bearskin caps were taken away on the paltry excuse that no bearskins could be procured. Why, they had only to cross the Channel to see them worn by numberless regiments. Last year it was proposed to take away the "eagle button" from his old regiment, as a species of compliment to our French neighbours, and the proud

decoration of the Scots Greys, won on the field of battle, was to have been sacrificed for a like paltry reason.

COLONEL SYKES knew that there was nothing more irritating to the army than incessant meddling with the uniforms and badges of the various regiments.

VISCOUNT PALMERSTON said, I can quite understand objections to unnecessary change. But really the objections taken in the course of this discussion, if followed out, would go to this extent—that our cavalry ought now to appear as they did in old times, with pigtails, plastered heads, and cocked hats.

MAJOR KNOX said, that the regiment to which he belonged at the outbreak of the Crimean War had the word "Peninsula" on their accoutrements. That word was removed, and when they applied to have it restored they were told to mind their own business.

MR. BERNAL OSBORNE said, that was a matter which ought not to be joked away. Each regiment had its own peculiar associations connected with it, and if these were obliterated, it raised a serious impediment to recruiting. He objected to the change, as neither economy nor discipline would be promoted by it.

SIR FREDERIC SMITH observed, that the Vote for clothing had been increased by no less a sum than £70,000, and asked for an explanation.

SIR GEORGE LEWIS said, the increase arose, not from the cost of manufacture, but in consequence of additions made to the clothing of the troops, both cavalry and infantry, in accordance with the recommendation of the Committee which investigated the entire subject. The charge was certainly a large one, and, what was more, it would be permanent; but the comfort of the troops would in future be greatly enhanced.

LORD HOTHAM said, that might be the proper time to put the question of which he had given notice. He wished to ask the right hon. Gentleman if he could state how many of the recommendations of the Royal Commission on recruiting in the army it was in contemplation to adopt?

MR. CAVE would not object to the Vote for the new West Indian Regiment if it was likely to be efficient, because he thought that the black regiments, when properly raised, were of the greatest value in preserving internal tranquillity and relieving the white troops. Formerly these

*Mr. Bernal Osborne*



regiments were recruited from the warlike tribes on the coast of Africa, and when that was the system they were prized for their efficiency; but the same confidence was no longer reposed in them after the practice was adopted of recruiting them from the Creole, and even from the Coolie population of the West Indies. There was no sympathy between the African and Creole—hence the value of the former in case of an outbreak. He remembered two instances. A riot occurred when he was in Trinidad in 1847, and it was said that the time was carefully chosen while during a change of quarters the island was denuded of African troops. But in the still more serious riots in Demerara in 1857, ten years later, the colonists were grievously alarmed lest the black troops should join the rioters, because they had been leavened with a large number of Creole recruits whose sympathies were in favour of the mob. Besides this, it was a great grievance on the planters who had gone to the expense of bringing Coolies to those islands, that the latter should be enlisted in African regiments. He hoped the Committee would receive an assurance that the fourth regiment now asked for would not be raised in that way, and that the system would not be continued.

MR. CRUM-EWING said, he concurred in what the hon. Member who had just spoken had said as to the inconvenience caused in the islands by the system of recruiting which the hon. Member had condemned. It was a serious thing to deprive the population of the labour of Coolies, who had been brought to the islands at an expense of £15 or more a man.

MR. W. WILLIAMS observed, that from the observations made that evening as to the employment of those regiments, it was clear that their services were made use of for police purposes. That being so, it was too hard to call on this country to pay for them.

SIR GEORGE LEWIS said, that the main object of the addition to the West India regiments was to provide a garrison for the new station which the Government had acquired at Lagos on the African coast for the suppression of the slave trade. Only four additional companies would be created; and it would only be necessary to recruit for 200 additional men. He did not think that recruiting for that number in the West India islands would cause that

drain on the population which hon. Gentlemen seemed to apprehend. With regard to what his hon. Friend (Mr. Williams) said as to the employment of these regiments as police, every one must admit that the suppression of the slave trade was a national object. It was an object which this country had pursued for many years at great cost. If it was to be carried out, no doubt it must entail very considerable expense.

MR. CAVE asked, whether he was to understand the right hon. Gentleman that the practice of recruiting in the West Indian islands was to be continued, and that no attempt was to be made to recruit on the African coast?

SIR GEORGE LEWIS replied, that he could not say that no such attempts were to be made, because they would be; but neither could he enter into any engagement with the Committee that there should be no recruiting in the islands themselves. In reply to the noble Lord (Lord Hotham), the right hon. Baronet stated that, while several of the recommendations of the Royal Commission had been adopted, there were others on which no steps had been taken.

LORD HOTHAM said, he could assure the right hon. Baronet that in the inquiry he had made on the subject he was not actuated by any desire to make complaints; but, having had the honour of being named President of the Royal Commission appointed in 1859 to inquire into and report on the existing system of recruiting in the army, it was not unnatural that he should wish to know how the Government were dealing with the recommendations of the Commission. Besides that, he thought it was due to those who had sat with him on that Commission that they should be made acquainted with the extent to which the Government intended to go in carrying their recommendations into effect. It would be satisfactory to them to know that their labours had not been in vain. He was willing to admit that the right hon. Gentleman had carried into effect many recommendations conducive to the health and comfort of the soldier. One of the first injunctions from Her Majesty to the Commission was, that in every recommendation the Commissioners might make, economy should be the first consideration. He felt bound to say that to that injunction the Commissioners had paid implicit obedience. He should have been glad if some other

recommendations had been adopted, but not being desirous to "ride a willing horse to death," he would not now press the right hon. Gentleman further. He would only, therefore, hope that next Session the right hon. Gentleman would be able to announce that he had taken further steps in carrying out the suggestions of the Commission, every one of which he could assure him would tend to the efficiency of the soldier and, consequently, to the advantage of the country.

SIR GEORGE LEWIS said, he could assure the noble Lord that the recommendations of the Commission of which the noble Lord was chairman were duly appreciated at the War Office, and that no time would be lost in giving effect to the larger and more important of their suggestions. No one could be better aware than the noble Lord, from his great experience and the attention he had paid to the subject, that a great machine like the War Department could not be pressed into very rapid improvements, and that time was necessary in making these changes.

LORD HOTHAM said, he felt the truth of what the right hon. Gentleman had just stated so forcibly that he had not opened his lips on the subject last Session. Nothing could be more reasonable than the request of the War Office for time for due consideration.

MAJOR BARTTELOT said, that the grievance of frequent changes in the uniform of cavalry regiments had been felt for many years. He quite agreed with the hon. Member for Liskeard (Mr. Bernal Osborne) as to the hardship to the officers of the Light Dragoon regiments changed to Hussars, in having at great expense to supply themselves with new uniforms before the old were worn out. He had served for many years in a cavalry regiment, and he could state that from the time of the Prince Regent the greatest disgust was felt among the officers at the changes which not only year by year, but sometimes month by month, were made in their uniforms. These alterations were a peculiar hardship upon Quartermasters, Riding-masters, and Adjutants, who had risen from the ranks, who were called upon to incur great expense for the benefit of contractors and tailors, with no advantage whatever to the service. If the right hon. Gentleman could check that great and crying evil, it would be a great boon to the army, and he would receive the

*Lord Hotham*

thanks of a most meritorious body of men, who had always faithfully endeavoured to do their duty.

*Vote agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £1,634,317, be granted to Her Majesty, to defray the Charge of Provisions, Forage, Fuel, and Light, Barrack Furniture, Bedding, &c., which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive."

SIR GEORGE LEWIS said, there had been an increase in the Vote, but it had been principally owing to the reinforcements that had been sent to Canada. There had been a considerable increase to the amount of rather more than £75,000 in the articles of fuel and light; but the greater part of that was required for the troops in British North America. There was also an item of special allowances of £55,000 to the troops serving in China. The item for barrack furniture also exhibited an increase.

MR. W. WILLIAMS objected to the item of £5,004 for table allowances at St. James's and Dublin. He never saw more than four or five sentinels on duty at St. James's Palace, and he could not believe that a table at the public expense was required there for the officers. The superior officers of the Guards received nearly 50 per cent more pay than those of the Line, and altogether enjoyed such vast advantages that they amounted to a disrespect of the Line. He should move that the Vote be reduced by £5,004.

Motion made, and Question proposed,

"That the Item of £5,004, for Table Allowances at St. James's and Dublin, be omitted from the proposed Vote."

SIR HARRY VERNEY said, that an officer of the Guards cost the country much less than an officer of the Line, because, instead of barrack accommodation being found them at the public expense, the officers of the Guards found their own lodging, and consequently had no mess-room. The hon. Member was quite mistaken in supposing that any jealousy of the Guards existed in the Line. He was quite satisfied that if the Line had the option of doing away with the privileges of the Guards, they would be against it. It was true the Guards were exempt from colonial duty, but whenever the country was in danger every one knew that the



Guards were the first that were sent to face it. He was quite sure, though he would not say that the Guards did their duty better than the Line, that no one would say they did it worse.

MAJOR BARTTELOT said, the real fact of the case was, that this dinner was supplied to the Guards as the guard of the Sovereign at St. James's. The dinner was laid for eight; five Guardsmen and three Life Guardsmen. The Line was not excluded, because in Dublin they had it provided for them just as it was for the Guards at St. James's. He thought, therefore, the item ought not to be expunged. If the hon. Gentleman had the pleasure of going into the mess-room, he would not object to vote.

COLONEL NORTH said, that the objection was a mere hobby of the hon. Gentleman, who took a similar objection last year. As he (Colonel North) had before informed the hon. Member, the dinner was a privilege not peculiar to the Guards, but was extended to any regiment that happened to be doing duty at the Palace. The Guards were exposed to considerable expense, as they had no mess or barracks. He could remember the 6th doing duty at the Palace and of course partaking of the dinner.

SIR GEORGE LEWIS said, the item had been in every Estimate for near a century. The material consideration for the Committee was, that the officers of the Guards had no barrack accommodation and no mess. The dinner was, no doubt, practically for the officers of the Guards, though there was no exclusive rule; and if officers of the Line were at St. James's, they would partake of it. It would, in his opinion, be very ungracious for the Committee to exclude the item.

MR. W. WILLIAMS intimated his intention of pressing his Amendment. The officers of the Guards had a mess-room like other gentlemen of the army, for they had what they called "a club." He was aware that any reduction of a Vote for the army would always be opposed by military men.

SIR FREDERIC SMITH said, he had had the honour of constructing all the barracks in London, and he had never constructed a mess-room for the Guards. The dinner was not intended for the Guards, but for any one on duty at St. James's.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MAJOR KNOX said, he was about to

propose a reduction, in which he hoped the hon. Member (Mr. Williams) would support him. It had been always felt as a real grievance by the cavalry that they were charged  $8\frac{1}{2}d.$  a day for forage. He thought it very hard upon a cornet, who had only 8s. a day and had to provide himself with a fine and expensive uniform, that  $8\frac{1}{2}d.$  should be deducted from his pay. He would therefore move the reduction of the item for forage by £20,000.

Motion made and Question proposed,

"That the Item of £462,898 for Forage be reduced by £20,000."

MAJOR BARTTELOT said, he perfectly agreed with what had fallen from his hon. and gallant Friend with regard to this case of hardship. But the cornet suffered a reduction not of  $8\frac{1}{2}d.$  a day but of twice  $8\frac{1}{2}d.$ , because he had to keep two horses, a lieutenant three, and a captain four. Though the Government had lately recommended that they should be allowed to purchase their horses out of the troop horses, yet they had not been able to do so, and therefore they had to buy their horses at great expense, and to keep them for the public service. It was therefore a hardship and a grievance that they should be called upon to pay for forage. He begged heartily to second the Amendment.

COLONEL NORTH said, he should certainly support the Amendment. For the last three or four years he had done everything in his power to remedy this crying evil.

LORD FERMOY said, it appeared to him, that if cornets had reason to complain of the present state of things, they would have still greater reason to complain if the Amendment of the hon. Gentleman was carried, because, if a man was to pay  $8\frac{1}{2}d.$  now for his forage and it was proposed to diminish the allowance for forage, he would be in a worse position than before. There might be something peculiar in the matter which military men might see, but for his part he could not help thinking that the proposed was a very strange way to get rid of the hardship complained of.

COLONEL NORTH said, their object was, that the cornet should receive his 8s. a day without reduction, and that the country should give the forage.

SIR GEORGE LEWIS said, he did not quite see how the object was to be effected by the proposed Amendment. He understood from the statement of the hon. and gallant Gentleman that he wished to relieve

officers of stoppages, and in order to do that he proposed to diminish the Vote. What he ought to do was to propose an increase of the Vote. [Major KNOX: I have no objection.] If he could increase the amount of the Vote and abolish the stoppages, his object would be attained, but that could not be done without the consent of the Crown; and as he (Sir George Lewis) could not without consideration undertake to recommend that that consent should be given, he feared the only effect of the Amendment would be to put the Cavalry officers in a worse position than before. Therefore he would strongly advise the hon. and gallant Gentleman if he were a friend to the Cavalry officer, to lose no time in withdrawing his Amendment.

MAJOR KNOX said, he hoped, then, that the right hon. Gentleman would consider the point before the next Session.

SIR GEORGE LEWIS said, he was afraid he could not enter into any formal engagement in reference to the question. He should not object to consider the subject, but he could not hold out any very sanguine hope of the alleged grievance being remedied.

Motion, by leave, *withdrawn*.

MR. WYLD said, he wished to call attention to the state of the canteens throughout the barracks of the empire. In 1855, in consequence of a Report of a Committee on that subject, hopes were held out of considerable improvements being made in those canteens, to the comfort and profit of the soldier. Unfortunately, those improvements had never been effected, and at that moment the canteens were nothing more nor less than bad beer-shops. They had fallen into the hands of contractors, who amassed considerable sums of money at the expense of the soldiers. From £15,000 to £16,000 per annum might be saved out of those canteens, and the money appropriated to providing better accommodation for the soldier. He hoped the right hon. Gentleman would give the subject his consideration.

COLONEL NORTH said, he could not but regret the answer which the right hon. Gentleman had given with regard to the lighting of Waterford barracks with gas. Gas rendered the barracks more comfortable and cheerful to the soldier, who was often driven to the pot-house from the miserable condition of the barrack-room, lighted with a couple of miserable candles.

SIR GEORGE LEWIS said, that this

*Sir George Lewis*

class of subjects, which related to the moral condition of the private soldier, had of late years received very great attention from a large number of persons, particularly connected with the War Department, and he felt sure that the subject of the canteens had not escaped observation. He agreed that it would be better if all barracks were lighted with gas, but the Committee would observe that all these improvements were attended with expense. He had not intended to say that Waterford barracks should never be lighted with gas, but only that he was not prepared to make the change now.

COLONEL SYKES asked, for an explanation of the increase of £52,520 for fuel for North America, and £29,273 for New Zealand.

SIR FREDERIC SMITH said, that it had been explained that the increased charge for North America arose from the increase in the number of troops there.

SIR GEORGE LEWIS said, that the same explanation applied to New Zealand.

Original Question put, and *agreed to*.

(6.) £2,060,276. Warlike Stores.

MR. P. W. MARTIN said, he wished to ask whether any portion of the Vote was being applied to the increase of the store of Enfield rifles? He could not but deprecate the enormous and continuous accumulation of warlike stores, in the face of the new inventions which were coming out every day both in arms and projectiles. The Government had made, and were making, immense stocks of weapons, which would most probably in five years become obsolete. He had, a few days since, seen two very fine small-bore carbines, which had been bought at 5s. the couple. Here must have been an enormous loss to the public.

SIR GEORGE LEWIS said, that upon the total of the Vote there was a decrease of £140,305 as compared with last year. The small-arms in store amounted to 361,000, a number which, considering the demands upon the Government, was not thought to be excessive. In the item for the purchase and repairs of those arms there was a decrease of £143,712. Upon ordnance and projectiles there was a decrease of £106,732. The main increase in the Vote was for gunpowder and saltpetre.

MR. DODSON said, he wished to ask for an explanation as to the large charge for miscellaneous stores.



SIR GEORGE LEWIS said, that unless the hon. Member went to Woolwich he could have no idea what a variety of necessary stores were included under that description.

SIR FREDERIC SMITH said, he hoped the Government would not be too precipitate in taking on hand a large stock of small-arms, as it was still doubtful which would prove the best description of weapon. He understood that the iron target which had been deemed invulnerable by the Government had been pierced by three shots of an Armstrong gun.

SIR GEORGE LEWIS said, that the last remark of the hon. Gentleman might cause misapprehension. The experiment referred to was for the purpose of ascertaining what was the resisting power of iron on iron. It was found that at a certain distance the same weight of artillery which failed to destroy the model of a side of the *Warrior*, composed of iron and wood, destroyed a double plate of iron. There was an elasticity in wood which resisted the shock of artillery more effectually than a double coating of iron. The result of the trial was therefore highly satisfactory, as it showed that the Government had adopted the better plan.

MR. BERNAL OSBORNE said, it had been stated that a regiment was to be armed with the Whitworth rifle, and he wished to know whether any experiments were being carried on with regard to breech-loading rifles, and if it was intended to arm a company of each regiment with such rifles?

SIR GEORGE LEWIS said, a number of experiments had been made at Woolwich upon a great variety of small arms, under the auspices of a Committee, which he hoped would be able to report before very long. The experiments were very dilatory, and required a good deal of time for consideration. Breech-loaders were among the arms which had been tested; but, as far as he could judge, the military authorities appeared to be adverse to the adoption of that class of rifle. There was an impression that it led to too hasty and lavish an expenditure of ammunition.

COLONEL SYKES said, that he held the maintenance of permanent Government factories of small-arms to be pernicious, as they checked competition in industry and ingenuity.

MR. DILLWYN said, he was rather sorry to hear that a whole regiment was to be armed with the Whitworth rifle. He

thought the long Enfield was a good enough arm for any service. He hoped, however, that whatever changes the Government made in the choice of small-arms, they would adhere to one uniform gauge, or otherwise there would be great risk of confusion in issuing ammunition.

SIR GEORGE LEWIS said, that the Government had agreed to arm a regiment with Whitworth rifles, in deference to the opinion expressed by the House last year, when the question was debated. Many persons both in and out of the House considered the Whitworth a better weapon, and he had no doubt that a marksman firing calmly and deliberately at a target, free from any of those agitating conditions which attended actual conflict, would find the Whitworth superior to the Enfield. Whether its practical superiority was such as to render it necessary that the Government should go to the expense of re-arming the forces, a few years after they had been supplied with new rifles, was a very different question. Several eminent scientific authorities, General Hay among the number, were in favour of the Whitworth rifle, and the Government deemed it right to give it a trial. At the same time it must be understood that they were not in the least pledged to the adoption of the arm by the step they had taken.

MR. BERNAL OSBORNE said, that the House had many sins to answer for, but he was not aware it had ever expressed any opinion on the Whitworth rifle in its corporate capacity. Individual Members had done so, but the House had not. It was problematical whether the Secretary for War ought to have given his sanction to the arming of the regiment with the Whitworth, because he was evidently laying the foundation for an increased vote. With his slight knowledge of firearms, he had no hesitation in saying that they must come to the breech-loading principle sooner or later, as foreign armies were armed with breech-loading rifles. Although right hon. Gentlemen on the Treasury bench might be prepared to stick to the old pigtail principle, they would be obliged to come to the breech-loading principle.

SIR GEORGE LEWIS: I believe no single Continental army has adopted the breech-loading principle.

MR. BERNAL OSBORNE: Why, the Prussians have, in the needle-gun; and it is universal.

SIR GEORGE LEWIS : Certainly the French army has not, and the Austrians have not.

MR. BERNAL OSBORNE: They have tried experiments.

SIR GEORGE LEWIS : And the great army in North America has been armed with a rifle closely resembling the Enfield rifle. I do not at all anticipate that the breech-loading principle will make the progress which the hon. Gentleman thinks it will.

MR. BERNAL OSBORNE : Does the right hon. Baronet shoot ?

SIR FREDERIC SMITH said, he could corroborate the right hon. Baronet as to the opinion of military authorities that breech-loaders led to too rapid firing. A Committee, presided over by General Simpson, reported that such a weapon would be unsafe.

MR. BERNAL OSBORNE reminded the right hon. Baronet that revolvers, which were a description of breech-loaders, were widely used in America.

CAPTAIN JERVIS said, there was not a single breech-loading rifle in America or Europe fit to be employed in the army.

*Vote agreed to.*

(7.) Motion made, and Question proposed,

"That a sum, not exceeding £163,491, be granted to Her Majesty, to defray the Charge of Fortifications at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive."

SIR GEORGE LEWIS stated, that it was proposed to take from the Vote the sum of £30,000 for the purpose of defending certain commercial harbours, including the Humber and Holyhead, and it would be competent for any hon. Gentlemen to object, if they thought fit, to any one of the items making up the amount of £30,000. About £13,000 would be applied to carrying on works already under contract on the Humber and at Holyhead ; £6,000 would be expended on the Mersey, and £3,000 on the Severn for the protection of Gloucester and Cardiff. The sum allotted to Scotland and Ireland amounted to £7,500, namely, 5,000 for the Frith of Forth, and 2,500 for Belfast, leaving a remainder of £500 to meet contingencies.

MR. DILLWYN said, he should propose that the item of £3,000 for the defences of the Severn be omitted ; but he thought that, before entering upon the question of the defence of commercial har-

bours, some explanation ought to be given respecting Alderney.

SIR GEORGE LEWIS replied, that the sum to be voted for Alderney only amounted to £2,000, and was required for the purchase of some land.

SIR FREDERIC SMITH said, he hoped the sum of £2,000 would be the last required for that place. He objected to Alderney as a station ; but as the works had gone on so far, he should not desire them to be left incomplete for the want of so small a sum. With regard to the commercial harbours, the amount originally proposed to be devoted to their defence was £450,000, of which £176,000 had been expended. His complaint, however, was that the works were not carried on fast enough. He would rather see money spent on the defences of commercial harbours than on Portsdown Hill. If the country were to have an army at all times sufficient to occupy the proposed forts in that neighbourhood, then the case would be different ; but it never would have such a force, and so these forts were likely to become powerful in the hands of an enemy. He trusted that many of the forts originally conceived would not be constructed, and that other works would be completed on the smallest possible scale. It had been said that an enemy might land at Chichester or in Christchurch Bay, and thus threaten Portsmouth ; but no hostile army would dare, for the purpose of attacking Portsmouth, to make so long a flank march, and then leave their rear exposed by taking up a position to the north of Holsea Lines. However, if danger was to be apprehended in that quarter, why should a large hospital be built within range of the guns of an invading force ? He also wished to ask where the central dépôt for stores spoken of last year was to be established ?

MR. AUGUSTUS SMITH said, he observed an item for the defences of the harbours of Harwich, Newhaven, and the Downs. The total estimate for completing the works was £120,000, and he thought the Government ought to specify what were their intentions with regard to each of those places. He looked upon the proposed expenditure as perfectly useless. As for Harwich, any enemy would find great difficulty in getting there, and the existing works were quite sufficient for the defence of the harbour. Then again, what was meant by the Downs. Did the term refer to Walmer Castle ?

*Mr. Bernal Osborne*



CAPTAIN JERVIS said, that the harbour of Harwich had always been considered one of the most important in England, and was large enough to admit an enemy's fleet. In case of a continental war, the first thing the French would do would be to invade Belgium; and if they obtained possession of Antwerp, they would be in a position directly opposite Harwich. He wished to know, whether there was any chance of the Vote being expended during the year? It was a matter of just complaint that votes were taken every year for fortifications which were never erected. In the case of Hull, money was granted for many consecutive years before it was actually spent.

SIR GEORGE LEWIS said, that a Vote in Committee of Supply was in the nature of a *maximum*. It was not incumbent on the Government to spend the whole amount which they were empowered to spend. It was a matter of discretion. With regard to these three harbours, it might be wrong to class them under one head; but it had been done in previous votes, and it was convenient not to introduce the novelty of a division. Engineering and military authorities had advised the War Office that Harwich, Newhaven, and the Downs were open to attack, and should be made the subject of some fortifications. He was afraid that those persons would agree with the hon. and gallant Member that the amount was inadequate, but £15,000 was what he asked the Committee to Vote for the present year. He would not undertake to say that even that amount would be expended, but of course it would not be exceeded.

CAPTAIN JERVIS asked, whether the right hon. Baronet could assure them that the whole would be expended.

SIR GEORGE LEWIS said, he could not enter into any undertaking.

VISCOUNT PALMERSTON said, the gallant Officer should know the reason why sometimes the whole sum voted was not expended. Until the Estimate was voted, the drawings could not be made out or the contracts entered into. That took a considerable time; and, when the Estimate was voted late in the Session of last year, the winter came on and the works were interrupted by the weather. That was the reason why it was often impossible to do in the financial year the works which were estimated and voted for in the course of the year.

MR. DILLWYN said, he was of opinion that neither the Bristol Channel stood in need of land defences, nor that the proposed defences were judicious. The only danger to be apprehended was from privateers; but with Milford Haven and Falmouth, which were both considerable ports for the rendezvous of men-of-war, the inlet was safe; and if an unfortunate privateer entered it, a telegram to either place would bring a vessel of war in pursuit long before she could reach the Steep Holmes, 100 miles above Swansea, and she would be caught in a complete trap. A fortification had been put up at the Mumbles Head; but he considered that they might just as well have thrown the money into the sea. They could not resort to artillery practice for fear of breaking the windows of the lighthouse close by; and now it appeared that another battery was required to defend that which had been erected. It would be far better to keep a few gunboats moored in the neighbourhood ready to be put into commission on the threat of war; and he begged therefore to move that the Vote be reduced by £3,000.

SIR FREDERIC SMITH said, he thought the Government had come to a very wise decision. A gunboat ought to have a *point d'appui* where shelter would be afforded if a larger vessel entered the Channel.

MAJOR KNOX said, he felt bound to expostulate with the Government on the shabby sum of £2,500 appropriated to the Irish harbours out of £163,000. Belfast, Galway, and Londonderry were quite defenceless.

LORD FERMOY said, he would suggest that, instead of setting up on isolated rocks batteries that could either be captured by the enemy or avoided by him altogether, they should adopt a plan by which the navy might be made more available for defence. A fleet of gunboats located in Cork Harbour might, for instance, be got ready at a moment's notice, to beat off any suspicious looking vessels which might appear on our coast. Thus, by placing the lighthouses, where necessary, in telegraphic communication with one another, and with those harbours in which the gunboats were situated, he would have a weapon always in readiness for the protection of the coast. Entertaining that view, he should vote for the reduction proposed by his hon. Friend the Member for Swansea, being prepared at

the same time to submit his own plan to the Committee as a substitute for that of the Government.

MR. NEWDEGATE said, that the suggestion of the noble Lord was worthy of attention; but it could not be considered an economical mode of defence. It would obviously be cheaper to have batteries, which could be manned by the Volunteers of the neighbourhood; and he was sure the Vote would not be grudged by the commercial communities, to whose protection it was intended to contribute.

SIR GEORGE LEWIS said, he concurred with the hon. Gentleman (Mr. Newdegate) in the opinion that the establishment of gunboats, as proposed, would be by no means an economical arrangement; while it was quite clear that but a very small extent of submarine telegraph wires could be laid down for the amount of the item which it was sought to strike out of the Estimates—£3,000. He might add, that all the Government asked the Committee to expend in the shape of votes for completely new works for the defence of our commercial harbours was £170,000, which could hardly be considered an extravagant amount, especially by those who were aware, as he was, of the great alarm which prevailed among those connected with those harbours when it was thought there would be a war with the United States. He was, indeed, prepared to admit that he did not think any great degree of danger was to be apprehended from privateers or men-of-war entering our commercial parts, inasmuch as the entrance would be attended with much risk; but he did not at the same time think it would be advisable to leave the enormous mass of shipping in those ports wholly unprotected. Cardiff, Gloucester, and Bristol would, at all events, be benefited in no small degree by the expenditure of the £3,000 under discussion, and he therefore hoped the Committee would sanction the scheme.

MR. MONSELL thought the question for the Committee to consider was, whether the plan of the Government was likely to be an effectual one compared with that of the noble Lord the Member for Marylebone. The latter, although it would be costly, would no doubt be effectual. Nor did he think the country could be at war for a single year with a naval Power without the commercial towns forcing the adoption of that plan upon the Government of the day, whether the defences now pro-

posed were executed or not. He would therefore venture to propose that the Vote be postponed with the view of consulting competent authorities out of doors on the subject.

VISCOUNT PALMERSTON contended, that floating defences, such as those proposed, could never be so applicable at the moment to the object sought to be attained, or so effectual, as defences on shore. Of the justice of that view an instance had been furnished in the Danish war, in which the superiority of even earthen batteries thrown up on a sudden to vessels had been shown in the case of a Danish ship of the line and a frigate, one of which had been taken and the other destroyed by a battery of six guns, thrown up by the Duke of Coburg on the shore. A battery was always ready and on the spot, and he had no doubt those interested in the harbour of Bristol would prefer it as a means of defence to a number of gunboats stationed in Cork harbour or in Plymouth. The fact was, that some time must elapse before the aid of these gunboats could be made available in the event of a sudden emergency, while it must also be borne in mind that the hostile force might be superior to the gunboats at command. The principles of common sense, then, he thought, pointed out that means of defence on shore was preferable. If the Government had proposed a large sum for the purposes of such defence, some hon. Gentlemen would, no doubt, object to the extravagance of laying out so much money for the protection of commercial harbours. As the case stood, however, the sum was said to be too small; but when he informed the Committee that good judges of military defence had pronounced it to be sufficient, he did not think the Vote could reasonably be objected to on the score of its amount.

MR. H. A. BRUCE said, that Cardiff had latterly increased very much in importance. It was now the greatest port for the exportation of steam coal and iron, and its tonnage was four times as great as that of Bristol. There could be no doubt that the proposed defences would be a valuable defence to Cardiff, but he did not understand how they would contribute greatly to the defence of Gloucester or Bristol.

SIR MORTON PETO said, that if these Votes were proposed on some comprehensive plan, they would be much more satisfactory.



MR. BERNAL OSBORNE observed, he was afraid of comprehensive plans. Last year they had a comprehensive plan for fortifications—£11,000,000 that came to ; and the public were now beginning to find out that as far as one port went—Portsmouth—the money was pretty nearly thrown away, for the *Warrior* could not get in above five days in the month. It was quite clear that the noble Lord's Government, with all its good qualities, was a most expensive one. The noble Lord had not the least idea of saving money, and he never would have until a Vote of the House of Commons forced him to it. The speech of the hon. Gentleman below him (Mr. Dillwyn) had received no answer. If it were not answered, he should support him in his Motion for reducing the Vote by the sum of £3,000. He was only sorry that the hon. Gentleman had not gone the "entire animal," and moved the omission of the whole £30,000 instead of the £3,000.

SIR MORTON PETO explained, that by a comprehensive plan he meant that these Votes should be prepared with some care and attention, and not put forward in a haphazard kind of way. He had always opposed the fortification scheme.

MR. AUGUSTUS SMITH said, he understood that in future wars privateers were not to be used, and yet that was the class of vessels which these fortifications were intended to resist. He would move the omission of the whole item of £30,000.

LORD FERMOY maintained, that if his plan were adopted, no additional expense would be caused. No more gunboats would be needed beyond those which they would keep up in time of war. Under any circumstances, all that was necessary was to place them in central points, from which they could be readily summoned on an emergency. He understood that a telegraphic company had recently offered to place the Admiralty and the Foreign Office in communication with the principal points round our coast on the Government paying a rent for a single wire.

COLONEL SYKES said, the time was when the only object of an Englishman was to come into personal contact with his foe and strike him to the ground. We were now fighting behind iron plates in our ships, while on shore we proposed to defend ourselves behind stone and brick walls. The change was quite unworthy of the ancient English character.

Motion made, and Question put,

"That the Item of £30,000, for Defences of Commercial Harbours, &c., be reduced by the sum of £3,000."

The Committee *divided*:—Ayes 36 ; Noes 96 : Majority 60.

MR. AUGUSTUS SMITH said, that as the defence of the Bristol Channel stood upon the same ground as the defence of all our commercial ports, and as many professed economists had just voted against the proposition of the hon. Member for Swansea, he would not give the Committee the trouble of dividing upon his Motion.

MR. ADDERLEY said, he wished to call the attention of the Government to that portion of the Vote which was proposed for fortifications at the Mauritius. The House had considered the general question only two days before, and he wished to know how far the Government intended to carry into practice the decision then arrived at ? According to the Resolutions assented to by the House, the distant possessions of the Crown were to be responsible for their own internal defence, and to take their own share in the repulse of a foreign enemy ; and the further proposition that distant fortifications should be discontinued was only not pressed because accepted of course. After the avowals of the Government the other night, he wished to know how it was that this particular Vote was allowed to re-appear. He was anxious to know whether their policy was changed by the debate on Tuesday night, and whether their continued Vote to fortify the Mauritius was part of a policy which lasted up to the Motion of the hon. Member for Taunton ? He did not for a moment object to the Vote for the fortifications of imperial garrisons in the Mediterranean, such as Gibraltar ; but he certainly did object to fortifying any such posts as the Mauritius. Those fortifications were at present utterly inadequate ; but to make them adequate not only would cost an enormous amount of money, but they would take more men than we could possibly spare to garrison them. Sir J. Burgoyne, in his evidence before the Committee, expressed his opinion that it would take a million of money to make all our distant fortifications adequate, and in case any, by inadequate defence, were lost in a war, a vast amount of stores, besides men, would be sacrificed. Under any circumstances there would be a loss of men, because

those who would form the garrison might as well be prisoners of war so far as rendering any service to this country was concerned. The estimate made for the completion of our defences in the Mauritius was £202,000, of which £140,000 had been spent; while, in consequence of the change which had been made in the system of warfare since that Estimate was made, Sir J. Burgoyne now considered that nothing short of fortifying the whole island by a chain of forts would be effective. They knew very well that the present system of war was to strike a blow at the heart of an empire; consequently, the practice of concentrating the troops at home and defending our distant possessions abroad by the navy, in conjunction with the means of defence the colonies themselves supplied, should be adopted. The utility of expending large sums of money in fortifying such islands as the Mauritius, was contested by Admiral Erskine and other high authorities. Earl Grey, a good colonial authority, stated before the Committee that he considered the money already spent was absolutely wasted, and that the best thing that could be done would be to blow up the fortifications that had been begun. The same remarks he had made in respect to the Mauritius applied in a still greater degree to St. Helena; and he would, if he found any support, go so far as to move the omission of that part of the Vote. If the hon. Member for Montrose would repeat the Motion which the Government had induced him to withdraw on Tuesday, he would certainly support it by his vote.

MR. MONSELL said, the objection urged against the Mauritius and St. Helena applied with the same force against the fortification of the Ionian Islands. Before the Committee to which allusion had been made, important and most conclusive evidence had been given by the Chancellor of the Exchequer upon this point. He stated distinctly that he had minutely inquired into the state of the fortifications and their possible use in time of war; and his deliberate opinion was that these fortifications were worse than useless; that they would require an enormous force to man them which could not be spared; that they were within thirty miles of Malta, whence, if we had command of the sea, we should be able to send a fleet to defend the islands in case of attack, while if we had not, it would be utterly impossible for any force we could leave on the islands to

*Mr. Adderley*

defend them against any enemy that chose to attack them. Under these circumstances he thought the Vote for the Ionian Islands ought to be included in the Motion of the right hon. Gentleman.

MR. COX suggested, that Newfoundland for which there was a Vote of £1,000, and Nova Scotia, for which there was a Vote of £10,000, should be included in the Motion of the right hon. Gentleman, which would bring it more within the scope of the Resolution passed with regard to the colonies on Tuesday night.

SIR GEORGE LEWIS said, he wished to relieve the Government from any charge of bad faith in dealing with the question. The Resolution passed on the 4th of March was in these words—

“Resolved that this House, while fully recognising the claims of all portions of the British empire to Imperial aid in their protection against perils arising from the consequences of Imperial policy, is of opinion that colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security, and ought to assist in their own external defence.”

His hon. Friend stated in general terms that the Government agreed to the proposition that no large expenditure should be made for colonial fortifications; but he was quite sure that he also conveyed the impression that the Government did not assent to the last part of the Resolution, while they were prepared to assent to the previous part of it. Therefore, so far as good faith was concerned, the Government stood perfectly clear. The question was wholly independent of the Resolution passed two nights ago. It was entirely a question of expediency. With regard to the Mauritius, what was intended was, at the cost of £15,000 to complete the fortifications in Port Louis. It was proposed simply to complete that fortification, and it was not the intention of the Government to ask for the £49,000 which appeared in the fifth column. In order that the history of the Vote should be exhibited, the original figures stood as they had done in former Estimates, and the balance was stated in the fifth column; but he repeated that it was not the intention of the Government to ask for anything more than the £15,000, unless, contrary to their expectations, that sum should not be sufficient. With that explanation, he trusted that the Committee would agree to the Vote.

MR. COX asked for an explanation of the items for Newfoundland and Nova Scotia.



SIR GEORGE LEWIS said, they were introduced at the time when the alarm existed as to hostilities with the United States. It was represented—and he believed with perfect truth—that St. John's in Newfoundland, and Halifax in Nova Scotia, were inadequately defended, and that it was desirable, having regard to the naval interests of the mother country as well as to our commerce, that they should be more completely protected. Of course at that moment they hoped that nothing would happen to cause an interruption of peace with the United States, and therefore the immediate necessity for such a measure had ceased. At the same time the Government thought that on the whole it would be a prudent precaution to maintain these two items, and therefore, unless any hon. Gentleman could state any good reason to the contrary, he would wish to press them on the Committee.

MR. ADDERLEY said, he was satisfied, as far as Mauritius was concerned, with the right hon. Baronet's promise that the Vote of £15,000 then proposed for the works in progress would be the end of all the Votes that would be asked for. With respect to the answer made by the Under Secretary for the Colonies on Tuesday last, he must say that his impression of it was quite the reverse of that described by the right hon. Baronet. As regarded Nova Scotia, bearing in mind the Resolutions agreed to the other night, he wished to ask what share of the burden of its own defence the Government expected that colony to take?

SIR GEORGE LEWIS replied, that its share would be the maintenance of a militia. Undoubtedly they did not expect it to pay a sum of money towards the fortifications of the port of Halifax, a great naval station in which England had a direct imperial interest. The view taken by the Government was that the way in which our North American colonies could contribute to their self-defence was not by maintaining a standing army in the form of permanent paid regiments, but by providing an efficient militia.

SIR STAFFORD NORTHCOTE said, he desired to ask, whether a practice which prevailed at the Admiralty prevailed also at the War Office—namely, that as long as the department kept within the expenditure sanctioned by that House as the total amount of the Vote, and also kept within the amount placed in column one as the entire estimated cost of each work,

they deemed themselves at liberty to spend any sum on any work without reference to the precise sum specifically granted for it by Parliament.

SIR GEORGE LEWIS said, the practice of the department was one thing, and the legal rule another. [*Laughter.*] He was afraid the Committee had begun to laugh rather too early. What he meant to say was, that the legal rule was more lax than the practice, though the Committee had probably thought that he meant just the reverse. The rule of law was that the department was merely bound by the Appropriation Act, and, provided it kept within the total amount voted by Parliament, it had power to transfer one item to another. But it was not the practice of the War Office to make such a transfer; it adhered to the items as agreed to in Committee of Supply. He did not mean to say that it had never in any single instance departed from that principle, but, unquestionably, it generally observed it.

SIR STAFFORD NORTHCOTE said, that answer was perfectly satisfactory. He only wished that the same practice was adhered to by the Admiralty.

SIR MORTON PETO said, he should take the opinion of the Committee on the Vote for fortifications in the Ionian Islands, as he considered the evidence of the Chancellor of the Exchequer conclusive on that point.

Original Question again proposed.

Motion made, and Question proposed,

“ That the Item of £2,500, for Additional Magazine Accommodation be omitted from the proposed Vote.”

CAPTAIN JERVIS said, he would oppose the Amendment, on the ground that it had been decided to furnish such fortifications in that island as were absolutely required. Moreover, those islands paid a large contribution towards their own military protection. Their fortifications had long been in a state of dilapidation, and the sum spent in improving them had been remarkably small.

SIR GEORGE LEWIS explained, that there had been a re-armament of the fortifications at Corfu; that larger guns had been brought into use, and had necessitated larger magazine accommodation.

MR. BENTINCK said, he was also of opinion that as long as the British protectorate was maintained there, they ought to supply the money necessary for keeping up the fortifications; besides which, those

islands might prove of immense importance in enabling us to maintain our power in the Mediterranean.

MR. ADDERLEY said, he also would appeal to the hon. Baronet not to press his Amendment, as the fortifications were kept up in those islands in consequence of an agreement which was in the nature of a treaty or contract.

SIR MORTON PETO said, he would withdraw his Amendment.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £158,128, be granted to Her Majesty, to defray the Charge of Civil Buildings at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive."

MR. NEWDEGATE said, he rose to call attention to the injury done to the manufacturers of small-arms in consequence of their being all sent for inspection to Enfield, where rigorous tests were applied, whereas the competing Government Enfield rifles manufactured there were sent out without subjecting them to more than ordinary inspection. He asked whether the Government had any objection to the arms manufactured by the trade being inspected by Colonel Tulloch, independently of the Enfield establishment, it being admitted on all hands that Colonel Tulloch was the most competent small-arms inspector in the country.

SIR GEORGE LEWIS said, he had no reason to suppose that any unfair advantage was taken of the small-arms manufacturers in consequence of the arms being sent to Enfield for inspection in a competing establishment. He would, however, bear the observations of the hon. Gentleman in mind, and cause inquiries to be made. He apprehended, however, that if any change were made, it would lead to additional expense.

MR. MONSELL said, he rose to call attention to the item for the enlargement of the clothing establishment at Pimlico. In the Report of the Weedon Commission, which had been presided over by the hon. Member for Manchester (Mr. Turner), it was recommended that the Government should maintain a small establishment as a check upon the private trade. But what was the case now? As he before stated, no less than nine-tenths of the clothing of the army had been taken out of the hands

of contractors and was in the hands of the Government. The Committee would be surprised to learn that all the cloth trousers, all the summer trousers, shakoes, shell-jackets, all the greatcoats, and all but the tunics of forty-six battalions of infantry were made at Pimlico. That was quite different from the recommendation of the Commission. It was not reasonable to suppose that the Government could manufacture clothing at a smaller cost than private traders. The hon. and gallant Member for Dungannon had said that the clothing made in the Government establishments was better than that supplied by contractors, but how could any but the best articles be received when all had to undergo strict inspection? At Pimlico there were two different establishments, one for manufacturing clothing, and the other for inspecting clothing, so that all the articles supplied by contractors were sent to Pimlico to undergo inspection, while the goods manufactured on the premises underwent no inspection at all. That was not fair to the contractors. The right hon. Secretary for War had told them that a great part of the money asked for was wanted for storage, but he (Mr. Monsell) was informed that the Government had at their disposal storage for the clothing of 500,000 men. If there was any article which private contractors might be expected to supply well, it was clothing. One hon. Gentleman had asked why we did not adopt the French plan and have the clothing made up by the regimental tailors; but the answer to that was that we had no conscription, and therefore could not calculate upon having a sufficient number of skilled tailors in the army. He thought they had gone too far in the direction of Government manufactures, and unless some check was applied, the Government would soon absorb the entire clothing of the army. It was, no doubt, necessary that the Government should keep a check upon the contractor, but it was equally necessary that the contractor should keep a check upon the Government. He moved to reduce the Vote by £26,100, the sum asked for the purchase of Mr. Dimes's factory.

Motion made, and Question proposed,

"That the Item of £26,100, for the Purchase of part of Mr. Dimes' New Factory, be omitted from the proposed Vote."

SIR GEORGE LEWIS said, his answer to the Amendment was a very short one. The officers of the War Department

*Mr. Bentinck*



were already in occupation of part of Mr. Dimes's factory, for which a heavy rent was paid. It was thought that it would be more advantageous for the public to buy the premises, as the interest of the outlay would be less than the rent. The Committee would observe that there was a diminution in the total amount of the Vote; but if they should refuse to grant the sum asked for, the result would be that the War Department must continue to rent the premises.

COLONEL NORTH said, he saw no objection to the Government making all the clothing for the army, and, putting aside the question of comparative cost, he should be glad if they were to do so.

SIR GEORGE LEWIS explained, that the general rule of the Government was not to rely exclusively upon their own establishments or upon contractors. There was one large contractor who supplied a considerable amount of clothing to the army, and who happened to be a constituent of the right hon. Gentleman.

MR. MONSELL observed, that that was a mistake.

SIR GEORGE LEWIS said, at all events the contractor lived in that part of the country. He believed that the establishment was economically conducted, and he repeated that there was no intention of altering the proportion of clothing now supplied by contractors.

MR. BERNAL OSBORNE affirmed, that it was impossible that the Government could compete satisfactorily as clothiers with private tradesmen, and it was not for the public interest that they should compete. It was said that the present system was not to be further extended, but the fact remained that already nine-tenths of the clothing of the army was manufactured by the Government. All kinds of clothing but trousers were made by the Government, and only forty-five regiments had tunics made by contractors. The Weedon Committee came to the conclusion that a small Government establishment would suffice to check the trader, but the small establishment had grown into one which clothed nine-tenths of the army. Government had also got five years' stock of clothing, but the Committee recommended the keeping on hand of a very small stock, say a supply for six months. That was the recommendation of the storekeepers at Woolwich and Chatham. The Government did not propose to go further; but could they well stop? They had an enor-

mous staff, and an inspector of clothing, who inspected the clothing made by the Government, and also that made by contractors; and if the latter was not thoroughly good in workmanship and material, it was rejected. It was high time the Committee came to some decision on the question whether the Government were to be army clothiers and were to compete with the trade.

COLONEL NORTH said, that his hon. Friend must be aware that the clothing, under the old system, was ill-made and made up of bad materials, so much so that on wet days the clothes were completely shrunk.

MR. BERNAL OSBORNE said, that he had the honour to serve under the hon. and gallant Gentleman, and a very severe commander he was. But the observations of his hon. and gallant Friend were misplaced, because what he referred to took place under the system of the army clothing colonels, which had nothing whatever to do with the existing system.

MR. WALPOLE said, he would remind the Committee that the question whether the Government should become clothiers on a large scale did not arise upon the Vote, which was simply to decide whether certain premises should be bought instead of rented.

SIR HARRY VERNEY pointed out, that if these premises were once purchased, there was much less probability than before of the Government ever ceasing to supply clothing largely. He again recommended that the clothing should be made in the regiments, which would give the men occupation and would excite a useful rivalry as to which regiment should be the best clothed. At present there was a want of occupation in the army, and the plan he suggested had been found to work very well in France.

COLONEL KNOX said, there were quite enough non-effectives at present in the army, without having tailors or shoemakers in addition. The clothing supplied from the Government stores was a great improvement upon that previously provided, and was duly appreciated by the army. He hoped, therefore, that the Government would continue so salutary a check upon the contractors.

MR. J. A. TURNER said, that if those premises were purchased instead of rented the country would be, in a great measure, tied to the present system; but if they came to the wise conclusion that they were

going too far in making clothes for the army, they need not buy the building. They might, perhaps, sell it for a profit; but it would be the first time they had done so. The Weedon Commission had recommended that a small check should be maintained upon the private trader; but the converse of this seemed now attempted, and the private trader was allowed to keep a small check upon the Government. He believed it impossible that the Government could compete with private traders, either in point of economy or of efficiency, as regarded articles which were not exceptional, but were in general demand.

MR. LOCKE said, that if a small check produced better clothing, he thought it would be still further improved by a larger check. The preponderance of the evidence before the Committee was in favour of extending the check on the contractors; and if by that means they could be made honest, a success would have been achieved.

CAPTAIN CARNEGIE said, he should like to have the clothing of the army manufactured in the army itself; but he did not wish to have the soldiers' clothing spoiled. There was always work enough for the tailors now in the army in altering the clothing when supplied, and in afterwards making the necessary repairs.

MAJOR WINDSOR PARKER asked the right hon. Gentleman to state the nature of reports made by the officers of the regiments who now inspected the clothing supplied, whether by the Government or by private contractors.

MR. COX thought the Committee should be informed what rent the Government was paying for the premises in question, that they might judge as to the reasonableness of the price.

MR. MONSELL said, that as he understood that the Government proposed to take a portion of the premises already in their possession, and not distinct premises, and as the present was not therefore a favourable time to test the principle, he would withdraw his Motion.

Amendment, by leave, *withdrawn*.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £677,955, be granted to Her Majesty, to defray the Charge of Barracks at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive."

*Mr. J. A. Turner*

MR. SELWYN said, that he should move that the Vote be reduced by the sum of £12,700, the probable charge consequent on the augmentation of the Military College at Sandhurst, by increasing the number of cadets to 400. He thought the reduction was, on the right hon. Baronet's own admission, indispensable. He had stated that it was not necessary that all candidates for commissions in the army should be educated at Sandhurst; and, if not, where would the right hon. Gentleman draw the distinction? It appeared that a course of instruction at the college was to be enforced for all those who did not purchase their commissions; while those who purchased them might be educated where they thought fit. The compulsory instruction at the college was abandoned for those who could afford to pay for a commission, and enforced for those who could not. That he must again confess that he could not understand; he could not understand it even in reference to the question of patronage. If it were necessary to have some check on patronage, let there be an examination, however stringent, but let the candidates acquire their knowledge anywhere they chose. Why force them to obtain it in a particular place, and in a particular manner? Let all the candidates have an open and fair chance. If Sandhurst was the best place for obtaining the necessary education, why was not the residence there compulsory on all? If it was not the best, why make the course compulsory on any? If a liberty of choice was given, it should be given rather to the poorer class of candidates than to the rich. If any doubt were felt whether the system of free and open education was beneficial to the army, at least let it have a fair trial before they sanctioned an immediate expenditure and a large annual charge.

SIR GEORGE LEWIS said, a Vote of £15,000 was agreed to last year, for enlarging the College at Sandhurst. Up to the 1st of January only £953 of that sum had been expended. Most of the Vote of last year, therefore, was still unappropriated. The sum now asked for, added to the sum that had been expended, was not equal to the Vote passed last Session. All that was proposed was to make certain additions to the college, in order to enable young men who entered the army without purchasing their commission to be educated for the examination under the present rules, which required candidates who did not purchase their commissions



to have passed a year in residence at Sandhurst and a specified examination. He should not make any observations on the hon. and learned Gentleman's want of intelligence, which might be very great; he merely differed from him in opinion. He thought the distinction between the cases of an officer entering the army by purchase and another who entered without it, was very obvious; and the measure was founded on that distinction. He hoped the Committee would agree to the Vote.

MR. H. A. BRUCE was glad to hear that only £953 of last year's Vote had been expended. Since then the scheme had been largely modified. Officers purchasing their commissions were not to be obliged to pass an examination at Sandhurst. The latter class included a large number of the officers who entered the service. If his right hon. friend would make inquiry, he would find that there was sleeping accommodation at Sandhurst for 400 cadets—a number far beyond the present requirements, or any likely to arise under the altered regulations. Additional halls of study were the things most requisite at Sandhurst.

MR. WALPOLE said, he would press on the Government the propriety of considering the views expressed by his hon. and learned Colleague. He thought it above all things desirable that young men before they entered the army should have an opportunity of mixing with the future members of other professions. He put it to the Committee whether it was wise to sanction a Vote that would have the effect of entailing on the country an annual expenditure of £12,000 which might well be saved.

MR. AYRTON said, the question was not a purely military one, but had an important political bearing. A standing army had been attended with less injurious effects in England than in other countries, because the officers in the British service were not brought up as a separate class, and never forgot that they were members of society. It was impossible to make a French officer understand that he had any other duty than to obey his superior in command; he was perfectly ready, when the order was given, to fire upon any one. Upon general public grounds he objected to this Vote, and the Committee ought to set their face against any attempt to draw candidates into a single military establishment, and thus to separate them in their habits and

sympathies from the rest of the population.

COLONEL NORTH said, the objection to officers of the present day who came from the Universities, was that they were too old when they entered the service. They were no longer of the same stamp as those who came years ago from the public schools and could be moulded into anything.

MR. SELWYN explained, that candidates for commissions would not be required to go through the whole University course, but only to keep six terms, from October in one year to June in the next, so that they would still be quite young when they joined the army.

COLONEL NORTH said, that under those circumstances, he did not see what advantage was to be gained by their going to the university at all.

SIR GEORGE LEWIS said, the proposal of the Universities amounted, in fact, to a plan for ingrafting on the ordinary curriculum of Oxford or Cambridge a species of Sandhurst education for young men about to enter the army. He confessed he did not see any great benefits which would accrue from such a system. He by no means advocated a universal and exclusively professional training for the great bulk of the officers of the army. But, with regard to the holders of non-purchased commissions, he thought they might advantageously go to Sandhurst, where the special training they received would enable them to join their regiments without delay. Though the Vote was asked for, no more money would be expended at Sandhurst than was absolutely necessary.

MR. DARBY GRIFFITH said, he objected to a scheme which tended to establish in the army an aristocracy of wealth. A broad line would be drawn between those who went to Sandhurst and those who did not, as in the case of oppidans and collegers at public schools. There would be the "tug-muttons," who were forced to go to Sandhurst, and the chartered libertines, who received their education wherever it was most agreeable to them. The scheme he held to be fundamentally erroneous.

GENERAL LINDSAY said, he thought it perfectly fair that the Government, in granting commissions without purchase, should be at liberty to make terms with the recipients. The object of the Sandhurst scheme was to bring young men of eighteen or nineteen into the army.

MR. LOCKE said, he should like to hear what the present state of things at Sandhurst was before he was called on to agree to this Vote. He was informed that at present there were only 200 cadets at Sandhurst, while they had accommodation for 400; and, nevertheless, they were now asked to create accommodation for 400 more.

MR. HENLEY said, he was afraid that the Committee were in this difficulty—that they had to choose between two jobs. If there was to be a perfectly free and open competition, that might be a very intelligible proposition; but all parties seemed to agree that there must be a special education; and, if so, he could not understand why it should be Cambridge against Sandhurst.

MR. WALPOLE said, he thought that his right hon. Friend (Mr. Henley) had fallen into a mistake. There was no proposition for a special education by Cambridge, Oxford, or Dublin, but a proposition that young men from those universities should be allowed to enter the army without passing through the proposed course at Sandhurst, if they could answer in the peculiar examination which the Military College required. The age at which young men were admitted to the army did not depend on whether they had been educated in a university or not. They were not admitted under the age of eighteen nor over that of twenty-three. What was the objection to admitting young men within those years, wherever they might have been educated, if properly qualified?

SIR HARRY VERNEY said, that young men after their course at Sandhurst were perfectly qualified to go into the country and make sketches on which military operations could be undertaken. It was a great advantage to have a number of young officers trained in that manner.

SIR MATTHEW RIDLEY expressed his opinion that young men were well disciplined in the public schools and colleges.

Motion made, and Question put,

"That the Item of £10,787, for increasing the Royal Military College at Sandhurst, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 81; Noes 53: Majority 28.

SIR GEORGE LEWIS (in answer to SIR HARRY VERNEY) said, that the sum of £3,000 was taken for the purchase of the building lately used as a club-house at

Aldershot. The proprietor of the house had been permitted to erect an officers' club; and that having failed, it was thought desirable to take the house off his hands.

MAJOR BARTELOT said, he hoped that the item of £3,400 would be sufficient for insuring a water supply at Aldershot, which was greatly needed.

SIR GEORGE LEWIS said, he knew that there had been a great want of water at Aldershot. He had been assured that the Estimate would be sufficient.

Original Question, as amended,

"That a sum, not exceeding £667,168 be granted to Her Majesty, to defray the Charge of Barracks at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive,"

—put, and *agreed to*.

SIR GEORGE LEWIS said, he did not propose to take any further Votes that night. He would proceed with the Army Estimates on the following Monday.

#### TEMPORARY ROAD IN HYDE PARK. SUPPLY.

MR. COWPER said, he had to lay on the table an Estimate of £2,000 for a Temporary Road in Hyde Park. He took that course in conformity with what he understood to be the wish of the House as expressed on a former occasion, when he had proposed to make a permanent road. The suggestion of a permanent road was not favourably received by the House, and he now proposed to take the means of providing a temporary road, which would serve for the additional traffic while the Exhibition was open. He did not propose to make any great change in the park, neither to construct a new road nor to make a new bridge. His plan simply was, that carriages should be allowed to make use of portions of the park now reserved for riders on horseback. The line of road he proposed would enter Hyde Park from Bayswater at Victoria Gate. It would be identical with the existing carriage drive until it approached the bridge over the Serpentine. The carriages would then go over that portion of the bridge now exclusively confined to riders. They would then proceed to the south of the bridge until they reached Rotten Row. Here they would take less than half the present road, and then, passing to the west,

*General Lindsay*



would leave the park by Queen's Gate. They would then proceed to the Exhibition by Prince Albert Road. The road would be thirty-five feet wide, except over the bridge, where thirty feet would be sufficient. The bridge was fifty-two feet wide, and the space left for foot passengers would not expose them to any serious inconvenience. The sum of £2,000 might at first appear rather large; but the cost of making a road was from 3s. to 3s. 3d. a square yard, so that £2,000 was only a moderate estimate. The whole distance at present used by horses, and which would be traversed by carriages, was more than half a mile—namely, 1,100 yards, at the width of thirty-five feet. Less than £2,000 could not be allowed for labour, metalling, and for railings and fences necessary to separate the carriages from horse and foot passengers. When the road ceased to be employed, the material might be taken up and a portion of its value repaid, either by sale or other use of the material. He proposed that the road should be open to all carriages conveying passengers to the Exhibition. Hackney cabs and omnibuses would be allowed the free use of the road; but it would not be open to carts and wagons conveying goods. Any conveyances carrying human beings to the Exhibition would have the right to use the road. He might have taken a shorter course for the new road, but it would have cut up the park more. And if it had been carried straight across: he grass, to the south of the Serpentine Bridge, the omnibuses, cabs, and carriages which would use that road would come into conflict with those which might be proceeding from the eastward. But by the road he proposed all the carriages coming from the north would be taken out of the way of those coming from the east. He did not propose to interfere with any of the existing roads, to alter any boundaries, or to encroach materially on the grass; but only to alter a portion of Rotten Row, so as to enable carriages to go where riders now went. The riders would have thirty-five feet to themselves, and would also have the opportunity of closer neighbourhood to the carriages.

(10.) Motion made, and Question proposed,

“That a sum, not exceeding £2,000, be granted to Her Majesty, to defray the Expense of providing a Temporary Road across Hyde Park.”

MR. BAILLIE COCHRANE said, of all

the plans that had been submitted to them in relation to the proposed communication between Bayswater and Kensington, the one just proposed appeared to him to be the most absurd. He could not see how the right hon. Gentleman proposed to accommodate both riders and carriages over the narrow bridge at the Serpentine. It was clear by his scheme that riders would be cut off from all means of communication in that part of the park. It would take, too, from Rotten Row a large portion of the space now given to riders. He (Mr. Cochrane) would suggest a much more easy and convenient plan. There was already a road going right through Kensington Gardens, which was used by riders at the last Exhibition, and no inconvenience arose therefrom. Why not throw open that road to carriages? They had only to stop the Rotten Row road when the gates opened. This arrangement could be carried out for less than £300.

LORD FERMOY said, he begged leave, as the feather weight which had assisted to break the back of the camel on a late occasion, to be allowed to say a few words in favour of the scheme which had been submitted to them by the Chief Commissioner of Works. It was the right line—at all events, it was a line running in the right direction. He would, however, suggest an improvement in the direction of the bridge—that the whole of the bridge should be thrown open to the traffic, and that a small pontoon bridge should be thrown over the river for all foot passengers. He thought that £2,000 was a small sum to effect so great a convenience.

SIR MORTON PETO said, the road which the right hon. Gentleman had indicated was the one which he (Sir Morton Peto) suggested to him the other night. He thought it the very best that could be made. He did not, however, concur with his noble Friend in his suggestion as to the construction of the pontoon bridge. He would suggest that Colonel Fowke, who had signally succeeded in the Exhibition Building — [*Cries of Oh, oh!*] — he spoke of its construction not of its architectural merit—could easily construct a footpath outside the bridge of thirteen or fourteen feet of timber at a trifling cost. If the right hon. Gentleman would add £500 more to his Vote, it would be sufficient to meet all contingencies. The right hon. Gentleman did not say whether he intended to alter the road by the Powder Magazine. A road could be easily made

at the back of it by a little alteration. A fence should, of course, be erected between that part of Rotten Row to be used by riders and the part that was to be dedicated to vehicles.

SIR JOHN PAKINGTON said, he could not agree with the hon. Member for Honiton (Mr. Cochrane) that the plan was the worst that could be proposed, nor could he agree with the hon. Gentleman that it was the best that could be suggested. The worst plan he (Sir John Pakington) thought was the one that the right hon. Gentleman had so wisely abandoned — namely, that extraordinary plan for which he proposed to take a Vote of £30,000. It struck him very strongly that the most direct and convenient course to take was that which his hon. Friend (Mr. Cochrane) had adverted to—that of allowing the public carriages to make use of the north walk. It could be done at the least expense, and would be by far the most convenient for all purposes. He should be glad to hear what objection the right hon. Gentleman could have to it.

MR. PEACOCKE said, he agreed with the hon. Member for Honiton in the plan which he suggested, and thought that the scheme proposed by the right hon. Gentleman was decidedly the worst that could be devised. If carried out, it would spoil Rotten Row, as well as Kensington Gardens and Hyde Park. On those grounds he should certainly be disposed to divide the Committee against the proposition. At all events, he should be inclined to move that the question be adjourned for further consideration.

SIR HARRY VERNEY said, he approved of the plan of the First Commissioner of Works. He saw no objection to the throwing open to carriages during the Exhibition of a much larger portion of Hyde Park, from the Marble Arch to Apsley House and to the Queen's Gate. [An hon. MEMBER: And to omnibuses?] Yes. Equestrians might ride on the grass as they did formerly. He also approved of the suggestion of the hon. Baronet (Sir Morton Peto) that the whole of the bridge should be given up to carriages, that equestrians might be accommodated by a pontoon bridge, and the foot passengers by a slight bridge of timber. He thought Hamilton Place might be thrown open.

SIR JAMES FERGUSSON said, that representing a constituency at a distance from London, he objected to the Vote, on the broad ground that it was not for a

national, but a local purpose. The Exhibition was a praiseworthy object, but it was not one of public importance. It was strictly a private undertaking. When the Art Treasury Exhibition took place, some years ago at Manchester, roads were made, but the public were not asked to contribute to the expense.

MR. LOCKE remarked, that everybody seemed to assume that the proposed road, or some road from the north side of the park to the south, was necessary. ["No, no!"] He was glad to hear cries of "No," for he never saw the necessity for it himself. The noble Member for Marylebone (Lord Fermoy) no doubt saw the necessity, because he represented the north side of the park, and his constituents wanted a road to get to the Exhibition. But how did Marylebone get to the Exhibition of 1851? The Serpentine was there then; the inhabitants of Marylebone did not ford the river, nor did they swim over it. They went round, and they could do so again. If it was intended that the proposed road should be the commencement of a permanent road, why then ought to debate the question on its real footing, and not discuss the question of the Exhibition, when the question really was Paddington. There were roads on all sides of the Park. Why not, while the Exhibition was open, permit carriages to use them? And why not admit cabs? Cabs were not looked on in France as they were here. They were admitted in the Champs Elysées side by side with the carriage of the Count de Morny. Why not let them pass through Hyde Park? The proposition to go across the bridge, cut up Rotten Row, and intercept those who wished to go into Kensington Gardens, would, if carried, create a great inconvenience; and till some better reason was shown why an exceptional view should be taken on this occasion, and a different mode of getting to the Exhibition adopted to that used on the former occasion, he should vote against the proposition. He thought there were means enough of getting to the Exhibition. Another thing was, how to get away from it?

LORD HENRY LENNOX said, he should support the Amendment. He was opposed to the formation of a temporary road, because he was convinced that, if once tolerated, it would be converted into a permanent thoroughfare. It was instructive to observe how, on an occasion when some self-denial and forbearance



might have been expected, every one consulted only his own convenience. The equestrians recommended an encroachment on the carriage drive, while those who rode in carriages were anxious for an invasion of Rotten Row. Again, an hon. Friend of his on the other side, who lived in a fine broad street, in a direct line with the Exhibition, was indignant at the thought of any intrusion on its privacy and repose.

ALDERMAN SALOMONS said, that the Exhibition was a public undertaking, and it was but fitting that the public should defray the expense of making a convenient access to it.

LORD ELCHO said, he had lived in Belgravia, and had found out the inconvenience of having to go round by Westminster or Hyde Park Corner. He could, therefore, well sympathize with the gentlemen in Tyburnia who objected to making such a circuit to get to the Exhibition. From the great increase which was taking place in that part of London, it would be found necessary, sooner or later, to open communication by a road across Hyde Park. The way to look at the question was not as a temporary matter, but as the best way of establishing permanent communication between those two parts of London. He did not like the plan proposed by the right hon. Gentleman the First Commissioner of Works, and least of all did he like the proposition that the engineer who had turned out so extraordinary an architect should be allowed to improve the bridge across the Serpentine by the sort of outrigger which had been suggested. He thought the best way would be that suggested by the hon. Member for Honiton. He did not think any inconvenience would be found to arise to the gardens, and certainly not so much to the persons who frequented the gardens, as by the plan proposed by the right hon. Gentleman.

MR. BANKS STANHOPE said, he thought that under no circumstances should a permanent road be permitted through Kensington Gardens.

MR. PEACOCKE moved that the Chairman should report progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided*:—Ayes 30; Noes 78: Majority 48.

SIR JAMES FERGUSSON said, he thought the proposed road was merely a

metropolitan improvement; it was only a temporary improvement, and he thought the expense ought to be borne by the receipts at the door. He begged to move the rejection of the Vote.

MR. COWPER said, he had not thought it necessary to reply at length to the proposal of the hon. Member for Honiton (Mr. Cochrane), because it was obvious that the road he proposed would be quite unsuited for the traffic of cabs and omnibuses; it would be quite a quagmire. It was also a much longer road than that proposed by himself (Mr. Cowper), and if it had to be metalled, it would cost a great deal more than £2,000. Everybody, he thought, must feel that a carriage road on the level through Kensington Gardens was not a thing to be desired. All he wished to propose was, that carriages should go where horses went now; and it must be remembered that Hyde Park was a Royal park, and no metropolitan funds could be devoted to the construction of a road through it.

MR. BAILLIE COCHRANE said, he wanted to know how it was proposed that pedestrians should reach Kensington Gardens at all when there was a stream of carriages blocking the way?

MR. COWPER said, he would remind the hon. Member that there were pathways for foot passengers under the arches of the bridge on either side of the Serpentine, by which Kensington Gardens might be reached without any interference whatever from the carriage traffic.

Original Question put.

The Committee *divided*:—Ayes 78; Noes 28: Majority 50.

House resumed.

Resolutions to be reported *To-morrow*.

Committee to sit again *To-morrow*.

## COPYRIGHT (WORKS OF ART) BILL.

### SECOND READING.

Order for Second Reading read.

MR. WALPOLE said, the Bill involved a very important principle, and he hoped the next stage would be fixed for such a day as would give time for a full consideration of it.

THE SOLICITOR GENERAL said, he proposed to fix the next stage for Monday week.

Bill read 2<sup>o</sup> and committed for Monday, 17th March.

House adjourned at a quarter after One o'clock.

## HOUSE OF LORDS,

*Friday, March 7, 1862.*MINUTES.] PUBLIC BILLS.—1<sup>a</sup> Exchequer Bills.  
3<sup>a</sup> Consolidated Fund (£973,747).EDUCATION—THE REVISED CODE OF  
REGULATIONS.—QUESTION.

THE EARL OF DERBY wished to ask his noble Friend the President of the Council for some information as to the operation of the second, third, and fourth articles on the third page of the Revised Code of Education which had given rise to some difficulty, and which he hoped the noble Earl would explain satisfactorily—though, if he read them rightly, they were of a very extraordinary character. The first of those articles provided that in the case of schools in which the next annual grant did not fall due until after the 31st of March, 1862, managers might, if they signified in writing their wish to that effect, have this payment made under the Revised Code. He should like to know how many of such applications his noble Friend had received; and, however numerous they might be, he was sure that they did not come from the poorer or more neglected districts. In Lord Byron's description of the shipwreck

"Some leap'd overboard with horrid yells,"

thus anticipating the fate which was about to overtake them; but he did not suppose that in this case the managers of many schools had been guilty of a similar act of self-immolation. The fourth article provided that no further grant after that which next falls due should be paid to schools except upon the terms of the Revised Code, or for the stipends and gratuities of current apprenticeships, where such existed—thus recognising the claims of pupil-teachers to be paid during their apprenticeships. The third article provided that no new apprenticeships should be agreed to accept upon the undertaking that during the remainder of current apprenticeships the managers should contribute the full stipends and gratuities which would otherwise have been payable by the public; thus saying to managers, "If you do not assume the payment of apprentices during the current terms which we are bound to pay, we will pay them; but in that case we will sanction no more apprenticeships in your school." And this responsibility the managers were bound to assume, not only under the penalty of losing their apprentices in the future, but

also of suffering a forfeiture if they did not have them; because, if a school contained more than ninety children, the managers were liable to a penalty of £10 for having no pupil-teacher. This was so monstrous a provision that some persons thought that the Code could not be intended to have this effect. He should like to be informed by the noble Earl whether or not he had misconstrued these articles?

EARL GRANVILLE said, that under the Amendment of the Revised Code the first provision to which the noble Earl had referred would have no operation. The Minute would in all cases come into operation on the 1st of April next. Up to that time everything would go on under the existing Code, and after that time everything would be subject to the Revised Code. With regard to the pupil-teachers, he did not apprehend the great hardship which the noble Earl seemed to imagine would be caused by the new Code. The Government intended to keep up the pupil-teacher system, and therefore a penalty would be inflicted upon managers who had not pupil-teachers in a certain proportion to the scholars. The pupil-teachers apprenticed under the old system had a vested interest in their salaries for five years; and, during that period, the managers would be required to pay them according to the indentures. If the managers would not do so, the Government would, in their case, sanction no more indentures.

THE EARL OF DERBY said, that practically the noble Earl admitted that the operation of these rules would be, that if managers declined to pay to the pupil-teachers during the term of their current apprenticeships, from their own funds, the sums of money which the Government had contracted and agreed to pay out of the Parliamentary grant, they would in future be deprived of the benefit of assistance from the grant.

## ITALY—PROSECUTIONS OF THE PRESS.

## NOTICE OF MOTION.

THE MARQUESS OF NORMANBY regretted the absence of his noble Friend the Foreign Secretary, as he wished to give notice of a question which he proposed on that day week to address to the noble Earl. On a former occasion, when owing to unavoidable circumstances he was not present, the noble Earl accounted for the publication in an Italian newspaper of what



turned out to be precisely and literally a proclamation of the Piedmontese Government, by stating that the press of that country, under the present Government, enjoyed the utmost freedom and most complete impunity. He wished to ascertain whether the extraordinary mistake into which his noble Friend fell was owing to want of information from Her Majesty's representatives in Italy. He intended, therefore, to move for copies of or extracts from the despatches of Sir James Hudson, our Minister at Turin, referring to the number of prosecutions against the press at the instance of the Piedmontese Government. A French paper, *L'Union*, of that morning contained a strange commentary on the explanation of his noble Friend that the Neapolitan proclamation which had been brought under their Lordships' notice had been immediately cancelled, for it stated that on the 20th of February four women were shot, by order of Colonel Fantoni, for having more bread than required for a day's consumption in their possession.

#### EDUCATION—THE REVISED CODE OF REGULATIONS.

##### RESOLUTIONS MOVED.

LORD LYTTTELTON said, that when at the commencement of the Session he withdrew the Resolutions which he had given notice to move with reference to the Revised Code of the Committee of Council on Education, he understood that it was the desire of many of their Lordships that those Resolutions, with certain modifications, should be again brought forward. He thereupon reconsidered them; but after having laid them on the table he found that the right rev. Prelate (the Bishop of Oxford) had given a notice on the same subject, though not to the same effect. He could not say that he felt pleased that one so able and eloquent as the right rev. Prelate had taken the bread out of his mouth. The matter had been then discussed at great length, and also in the other House of Parliament; there, however, appeared to be no reason why he should abandon his Resolutions. He did not hold the same view as many noble Lords on this subject. The right rev. Prelate said it would be very inexpedient for their Lordships to commit themselves to any formal decision, because it might possibly bring them into collision with the other House; and the noble Earl opposite (the Earl of Derby) also recom-

mended that the Resolutions should be postponed till the House of Commons had discussed the subject. He could not share that opinion. Their Lordships had very little actual power in the matter, for it was almost entirely in the hands of the other House; and it did not occur to him that there could be any risk of a conflict arising between the two branches of the Legislature on a measure like this, such as might arise upon a Bill. On the contrary, he thought the House of Commons might derive some instruction and guidance from learning the views of their Lordships on the question. He was unable to condemn *in toto* the new Code even in its former shape, and still less as it now stood; nor could he sympathize with the desire for the return to the old state of things. It was impossible to do so, after the Report of the Royal Commission, which derived weight not merely from its authority, but from the talent and research of its Members. When a Commission, composed of such distinguished men, who had bestowed so much attention on the subject, made their Report, it was impossible but that the Government must put some of their recommendations in a shape for the acceptance of Parliament. In his series of Resolutions, as they now appeared, he had enumerated only the points upon which he entertained no doubt whatever. He had omitted the first of the original Resolutions, which referred to the manner and time of the Government proposal, in deference to the statement of his noble Friend the President, and his colleague the Vice President, that they had no intention of taking advantage of Parliament in any way. At the same time he owned that the explanations which had been given appeared to him neither altogether satisfactory nor intelligible. Last Session he brought the matter before the House with the express purpose of preventing Parliament and the country from being taken by surprise by any large measures concerning education, of which they had had no opportunity of judging. The noble Earl, however, desired him, on that occasion, to make his mind quite easy, because an opportunity would be given to Parliament of considering the matter; and added, that the Government intended to make a few administrative changes to which no objection was entertained. He was perfectly well aware that the colleague of the noble Earl in the other House (Mr. Lowe) shadowed forth the

alterations which were in the mind of the Government before the Session closed, but no one understood that anything would be done then. The issue of the Minute on the last day of the Session was a violation of the spirit of the rule that all alterations of an important character should first be considered by Parliament. The explanation was that the proposed changes would not take effect until April, or some months after Parliament re-assembled; but although that was to some extent correct, the publication of the Minute on the very day on which Parliament was prorogued caused the utmost alarm and dismay among the certificated teachers and Queen's scholars, in which the schoolmasters and managers of schools participated, who naturally feared that when it was announced on such authority that such a thing was to be done, it would be done, for they did not understand the niceties of official declarations. He did not know whether his noble Friend and his colleagues were astonished at the agitation which the step excited. The Education Department, at the close of a Session, fell into a state of *coma*, and during the months of August and September only printed answers could be elicited by the most urgent communications. His noble Friend went to France, one of his colleagues to Switzerland, and another to Italy; he thought, however, that even in those distant regions, to which the heads of the department had betaken themselves, some distant echo must have reached them of the fears and objections they had evoked. In consequence of that expression of feeling they were told that the Revised Code had been withdrawn or suspended. But was it, in fact, withdrawn? Grants in aid, for the purchase of books, which had formerly been allowed, were to be withdrawn by the new Code, and perhaps unobjectionably. Still it was part of the old system; and if on the 28th of July last any person had applied for a grant in aid for books, the application would have been allowed. After the withdrawal of the new Minute, however, an application was made in October for a book grant, and the reply, in a printed form, was to the effect that no more such grants would be made. Upon this he (Lord Lyttelton) wrote to inquire how it was, as the new Code had been withdrawn, that these grants were to be discontinued; and he was answered that it was perfectly true

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that the withdrawal of these grants was part of the Revised Code, but nobody cared about the book grants, and it was inconvenient to continue them. This was a minor matter in itself, but it showed that the Committee of Council had not in fact withdrawn the new Code. Similarly, he did not complain of assistance to lecturers in training schools being withdrawn, but it was contrary to good faith that it should be refused to a lecturer elected before the Minute issued. These were points which affected the confidence of the country in the administration of the Committee of Council, and he was obliged to tell his noble Friend that the confidence of schoolmasters and managers of schools had been greatly weakened by the uncertainty of the proceedings of Government, and that years must elapse before that confidence would be restored. He admitted that with the Code as it now stood, after the second revision, the religious part of the question was disposed of satisfactorily. But the answer of the Government, that nothing which could have been done by the Privy Council, as the Code before stood, could possibly induce clergymen to neglect religious training of the children, missed the point, as had been shown in an able letter addressed by the Rev. Mr. Birks to the noble Earl, in which that distinguished clergyman pointed out that the natural effect of the unrevised Minute was to exaggerate the importance of reading, writing, and arithmetic in contrast with religious and moral training. He was aware that the instructions of the Inspectors were fully sufficient for the end in view, but he thought that care should be taken to see that the Inspectors acted up to those instructions. He had also withdrawn a Resolution in relation to grouping. The explanations of the noble Earl to the House, and of his right hon. colleague elsewhere, had led him to approve the principle, although he thought the Code required, under this head, considerable modifications in detail. The opposition to the grouping arose from a confusion of ideas as to grouping for the purpose of instruction and grouping only for the purposes of examination. The Government, as he conceived, looked at the individual child in a school as the parents of that child did. The parents of a child of eight wished to see that child instructed up to a certain standard: when the child is ten, then up to a higher standard. The



grouping for examination would apply the test in that way ; and if any child did not reach the standard required, the teachers might not be to blame ; but the Government might fairly say they had, for some reason or other, failed in that respect, and the grant would not be paid. He had received the alteration proposed in reference to infant schools with great satisfaction. With regard to the first Resolution, as it now stood, respecting the equitable claim of the certificated teachers and Queen's scholars to the undiminished payment of the allowances hitherto enjoyed by them, he should have been very glad to withdraw it ; but though he allowed that, according to the light in which they looked at the matter, the Government had probably done all in the way of concession to these classes, all that they thought they could possibly do, still it was impossible for him to withdraw the Resolution. Assuming that the grievance alleged to exist on the part of these persons was a real one, the proposition of the Government was no remedy for the grievance complained of. A variety of ingenious arguments had been brought forward to show that no breach of faith would be committed by the Government propositions towards the teachers ; but, in his opinion, they were all of them entirely fallacious. It was said that, in some way or other, the incomes of the teachers at some future time would be made up ; and that in course of time they would find that their position was not at all damnified. But this was not satisfactory to those who suffered a present loss, and who reasonably objected to being compensated by an uncertain prospect of improvement. The remedy proposed by the Committee of Council was to put the screw on the school managers. But the managers could get out of the way of the screw altogether ; Parliament had no hold upon them, and the teachers had no hold upon them. Again, it was argued that there was no such thing as a positive grant or promise of a grant ; but that it rested solely on the original Minutes having laid it down that a certain *minimum* salary must be practically secured to the teachers, and that if that *minimum* were made up from whatever sources, the Government had nothing further to do with the matter, and might, with perfect good faith, withdraw their portion of the grant. There was nothing of the kind in the Minutes, so far as he could discover ; and, looking to the numerous declarations made by the

Government at various times that these grants had nothing to do with anybody else, and that they were totally independent of the school managers, it was impossible not to come to the conclusion that they were made on certain conditions, and that while those conditions were fulfilled they could not, without a breach of faith, be taken away. It was argued by one ingenious gentleman that, notwithstanding what the Government might say, the grants could not, from their nature, be made to the teachers at all, but must be made to the managers ; that, according to the rules of political economy, the teachers would always fetch a certain market value ; and that if the Government subtracted £20 a year from their salary, the managers would have to make it up. Certainly that was a subtle and ingenious argument ; but it could not be very satisfactory to the teachers who had married and made other arrangements on the faith of a contract to be told that the laws of political economy would set them all right ; for, in the first place, the operation of political economy was slow, whereas they complained of a present loss ; and in the next place, the principles of that science, which appealed to the selfish interests of mankind, were not applicable to questions of benevolence. Again, it had been argued, and by no less an authority, he was sorry to say, than the Royal Commission, that there could be no claim, because the system rested on an annual Parliamentary grant. He need scarcely point out that the same argument would apply to the officers of the army and navy. But the great principle of the Revised Code was that of paying according to success—according to the work done. This was what had been proclaimed by the Government as the new principle of testing the teaching by results. He approved the principle, although he did not approve of all the details of the application. But what was the work of schools—what were the results of education ? It ought to be looked on as training an immortal soul to be a good citizen of this world, and to inherit a better life hereafter. Were they come to this—that the results of education were supposed to be achieved in a knowledge of reading, writing, and arithmetic—in a child of eleven years old being able to read and write and cipher. But as a part of the result, he entirely admitted it was a reasonable requirement that children of eleven or twelve should be able to read, write, and count

much better than they do; and he had no objection to their proficiency in these points being ascertained by an examination. But he did not believe this could be done well as the Government proposed to do it. He doubted if it would be possible to make the examination so rigidly defined as they proposed. But of the children being examined he approved. It was true there was an irreconcilable difference as to the children's proficiency in reading and writing between two authorities—the great body of School Inspectors and the Royal Commissioners. The Inspectors stated, generally, that in 90 per cent of the schools the reading was good. The Commissioners said it was good in only 25 per cent. It might be doubted whether the Inspectors were not the better authority. But he admitted that that was no objection to the Government plan. It had been stated that in seven winter months, or 30 weeks, at five days a week, or about 150 working days, 10 gentlemen had inspected 8,926 schools containing 1,000,000 children, or at the rate of 10,000 children a day, or 1,000 children examined in 9 different schools, often wide apart, by each Assistant Commissioner each day. In 12 public schools in Lincoln, containing 1,600 children, it had been stated that not one child had been examined in the visits of the Inspectors. Let the facts be ascertained; and he had no objection to their being ascertained by examination. He would suggest the grant be divided into two parts, one to be given as prepared in the new Code, the other to be paid on the same general principle as at present. No part of the new Code had created more surprise than the provision forbidding any future grant for children above 11 years of age. He was at a loss to understand the meaning of the proposition for some time; but it appeared to be the opinion of the Government that they, the State, had nothing to do with the children after they were 11 years of age. It was said that the province of the State was simply to see that the children should be able to read, write, and count. He must protest against this retrograde view of the province of the State. Why did the State meddle with education at all? Why did they pay the schools, and take the work of education out of the hands of the parents? He had always understood that it was on grounds of public policy; it was thought right that

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for such objects the children of the poor should receive an education beyond what their parents cared to provide for them. He should regret to see this far-sighted view on the part of the State altogether abandoned. Under this new Code there were required no knowledge of English history, not even of the name of the Sovereign who sat on the throne; no knowledge of geography in these days of emigration, not even of their own colonies; no knowledge of the elements of political economy, of sanitary matters, of drawing or music. Notwithstanding all that had recently been said in regard to the importance of these subjects not one of them received the slightest encouragement. Nay more, if a school undertook to teach them and failed, it was placed in a worse position than one which did not undertake them at all. As to the evening schools, no doubt they were good in some respects; but to suppose that boys, after working hard all day, were in the evening, when they were tired and half asleep, to make up sufficiently at the evening school what they had failed to learn at the day school, was a great delusion. As to the proposed diary or log-book—a term borrowed by the Committee of Council from the Admiralty—its purpose did not seem very obvious, and the scrupulous teacher would certainly be very much embarrassed by it. Some forms or other assistance ought to be given by which the teachers should be aided in keeping this diary. Another important part of the scheme was that referring to pupil-teachers, and it was doubtful whether the Government proposal would not put an end to pupil-teachers altogether. He admitted that there was much that was plausible in the principle that paid assistants in schools should be engaged according to the market value of their services from time to time, and in this respect it might be right to adhere to the general principle of the new Code; but at all events, if the direct connection between the Government and the pupil-teachers was abandoned, he thought that it should be left to the school managers to engage pupil-teachers or not as they pleased. He had left out the Resolution which he had intended to propose on the subject of training-schools. The re-*Revised Code* wholly exempted them, and that was all that could be fairly expected. Of course they were to some extent affected by other parts of the



scheme, but of this they must take their chance. He did not think they were fairly or considerably treated when they were called Government establishments, only because much of their income was drawn from Government. They were established in the hope that such aid would be received. They involved immense trouble and labour in the conduct of a most difficult and delicate machine, and as they were not institutions of a kind to command much local sympathy and support, any large amount of local contributions could not be expected. It was unfair to look mainly at the fact that the State paid four-fifths and the diocese one-fifth. The fair way to test it was to compare the amount raised in any one diocese for training schools with the amount raised in that diocese for any other similar purpose. He trusted the Government would, at all events, give their attention upon one vital point, and would give every encouragement to the students to remain two years, instead of one. He hoped also that the noble Earl would explain what was the nature of the special certificate alluded to in the re-Revised Code. It appeared to him that it was very desirable that the opinion of Parliament upon these points should be expressed, and therefore he now proposed to afford that House an opportunity of doing so. Whether he should press his Resolutions to a division would depend upon the feeling of the House. The noble Lord concluded by moving the following Resolutions:—

"1. That Certificated Teachers and Queen's Scholars have an equitable Claim upon the Government for the undiminished Payment of the Allowances hitherto granted to them on certain Conditions as long as those Conditions are fulfilled.

"2. That this House approves of the Principle of public Aid being given to Elementary Schools according to their Success in performing their Work, and also of the Principle of Paid Assistants in Schools being engaged according to the Market Value of their Services from Time to Time; but that it considers that the Manner in which it is proposed in the Revised Code to give Effect to those Principles is in some respects objectionable.

"3. That the Provisions of the Article 40, according to which the proposed Capitation Grant is to be paid in respect of the Attainments of the Children in Reading, Writing, and Arithmetic, are not satisfactory.

"4. That any System of public Aid to Schools ought to include some specific Advantage to Schools in which the Branches of Instruction above the Elements are successfully taught.

"5. That the Provision in Section (d.), Article 41, is not satisfactory.

"6. That the Diary and Log Book described in

Articles 50-57, if required at all, ought to be more simply and fully explained.

"7. That in the event of the Government abandoning the direct Connection which it has hitherto maintained with Pupil Teachers and other Assistant Teachers in Schools, it ought to be left without Prejudice to the Managers of Schools to decide whether or not they will have such Pupil Teachers as Assistants."

EARL GRANVILLE: My noble Friend will perhaps allow me, in the first place, to repeat the compliment I paid him on a former occasion for the great moderation and candour of his speech. The noble Lord has rather complained, and with some reason, that a right rev. Prelate, who, I am sorry to find, is not present this evening (the Bishop of Oxford), had taken the bread out of his mouth. It seems to me, however, that he has not so much cause for complaint, because we have had from him what may be called nourishing food as compared with the lighter and less substantial *pabulum* provided by the right rev. Prelate. It is, however, again my duty to trouble your Lordships upon some points upon which I have already spoken on previous occasions. I must say that the noble Lord, while he has revised his Resolutions, does not appear to have revised the speech which he intended to deliver upon the original Resolutions, and which he addressed to us this evening; he will, therefore, I hope, not consider me wanting in respect if I abstain from following him into some matters which have been disposed of by the modifications we have proposed. With respect to the religious question, although there has been no change from our original intentions, yet it is satisfactory to find that the explanations which have been given have quite removed all doubt upon that point, as I judge from the noble Lord's speech to-night and the silence of the right rev. Prelate upon that subject the other evening. With respect to training colleges, I need only refer to the question of special certificates, which, although not accompanied by pecuniary advantages, are certainly not useless or valueless. [Lord LYTELTON said, he could not see what the special certificates were to be.] A special certificate will be a certificate stating that the pupil has had the advantage of being two years at a training college, and has passed an examination both in the first and second year. That certificate will either have some advantage or it will

not. If the managers of schools are likely to be—which I do not believe—insensible to the goodness of the machinery of these schools, then the certificate will be valueless; but if the philanthropic persons who are engaged in forwarding the work of education should continue to promote the excellence of their schools to the utmost of their power, then a certificate, showing that the pupil has passed two years in a training college will have weight, and will lead the managers to employ the best man and to offer him an augmentation of salary. The result, I believe, will be to encourage young men to enter and to remain at the training colleges in the hope of future advantages. With respect to the first Resolution of the noble Lord, there is, I think, some inconsistency. The noble Lord quoted certain authorities to show an equitable claim on the part of the schoolmasters; but then there are other and very distinguished authorities the other way. I need not trouble your Lordships with reading long extracts from the Report of the Commissioners, but will only say, that after close examination, and after hearing much evidence, they came to the conclusion that no such claim existed. I find, also, that of the great number of very able memorials which have been sent by the Diocesan Boards, very few have given an opinion contrary to the conclusion of the Commissioners; and one able memorial, coming from Exeter, clearly laid down the principle that there was no such claim. I find, also, that almost every person who has proposed plans upon this subject, including Sir James Kay Shuttleworth, has infringed more or less upon the supposed vested rights of schoolmasters; and, of course, the question of such rights is one of principle, and not of degree. I do not see, with these authorities, and after careful examination, how we could have advised the Vice President of the Council of Education to propose to Parliament to take account of vested interests which have been so decidedly declared not to exist. The noble Lord said, that it was unlikely that there should be no such claim, when every schoolmaster in the country felt himself aggrieved and had published his complaint. I do not think, however, that a vested interest is proved by the fact that the persons concerned

*Earl Granville*

choose to put forward a claim. The noble Lord has not shown that there was any particular advantage enjoyed by schoolmasters under the old arrangement which is not provided for in the new Code. I think my noble Friend is guilty of some inconsistency in putting forth strongly in the first Resolution the claims of the schoolmasters, while he throws over entirely the claims of the pupil-teachers. As to the argument contained in the seventh Resolution, I am ready to admit, as I did the other day, that the noble Lord's argument is the more logical; but, considering the strong Report of the Education Commissioners as to the advantages of the pupil-teacher system, and the general feeling in its favour, I do not think we should have been justified in proposing such a change as that suggested. The noble Lord seems to think that under the new arrangement the pupil-teacher system will be destroyed. I can believe no such thing, because I do not believe that the managers of schools will not continue to adopt every means in their power to keep up the goodness of their schools. A pupil-teacher more than a certificated master has to deal with the lower classes of scholars. It is not the pupil-teacher who deals with religious teaching, or history, or any of the higher branches of instruction, but he has to teach reading, writing, and arithmetic. If pupil-teachers are useful for that purpose, managers will encourage their employment. As to the log-book, I think that will be found a convenient arrangement, as the Inspectors will be able to refer to it in order to ascertain whether the same pupil-teachers remain in a school as were there on a previous inspection, and it will also be a check upon an abuse which has been suggested as possible, but which I do not believe exists in any school—namely, the adoption of false entries of attendances. I certainly do not see what hardship there can be in keeping a book like that which is kept in many public departments, and in many private establishments as a matter of convenience. It gave me very great satisfaction to hear the noble Lord so thoroughly and so fairly agreeing in the main principles of the Revised Code as he has done, and as he invites the House to do by the first portion of his second Resolution. Nothing could be more gratifying than this admission on the part of the noble Lord, who possesses so much knowledge on these subjects, and who at the



out-set was rather opposed to the principles of the new scheme, and only changed his opinion after further examining the question. I beg therefore to tender him our thanks. True, the concluding part of the second Resolution states that the manner in which it is proposed to give effect to the principles of the Revised Code is in some respects objectionable; but these words are so vague in themselves that I suppose we must look to the subsequent Resolutions for their explanation. Now, I cannot help thinking that my noble Friend, like the writers of some of the pamphlets which he quoted, misunderstands what is to be done under this Code. They all argue as if we were going to change the system entirely, and to substitute an examination of the children in reading, writing, and arithmetic for all those moral and religious influences previously existing in the schools. Now, that is a total misapprehension. With regard to what the inspection ought to be, I find that Sir James Kay Shuttleworth wishes the Inspector "to examine the general moral relations of the school and the phenomena which meet the eye." Mr. Birks proposes ten articles for the examination of the scholars by the Inspectors. The last of those articles is this, and I beg your Lordships to listen to it attentively, or you may possibly misunderstand it—

"Let a scale of merit be framed, dividing the actual attendances, after six, of the children examined by the total marks, the lowest quotient implying the highest degree of success."

Mr. Birks is said to be a second wrangler; but it would almost require a third wrangler to interpret this singular formula. The right rev. Prelate who brought forward this question the other night desires that the Inspector should—

"By one glance of his experienced eye, ascertain the looks of the children, the cleanliness of the countenance and hands, the smoothness of the hair, the readiness of the eye, the mutual bearing of child to child, of the children to the pupil-teacher and master, and of the pupil-teacher to the master."

Now, I believe that all these persons, although using very different language, mean the same thing—namely, that the system of inspection, hitherto practised, should still continue; and I may add that we have not the slightest intention to terminate or interrupt it. It is an absolute preliminary to the examination in reading, writing, or arithmetic that the Inspector

should satisfy himself as to the religious and general instruction of the school, its order and discipline; and, of course, in that are comprised "the looks of the children, the readiness of the eye," and everything else of that kind. What we do is, after these and other preliminary conditions have been complied with, to impose a fine upon inability to pass the examination, and that I think is very reasonable. My noble Friend has very frankly allowed that that is a most reasonable test to apply to schools in which the children are supposed to receive any education at all. Many persons have erroneously imagined that we wish to discourage all other kinds of learning except reading, writing, and arithmetic. My noble Friend wishes some advantage to be held out to successful teaching in the higher branches of instruction. But there would be considerable difficulty in doing so. It would not be very easy, for example, to define the degree of excellence in singing which should entitle a school to pecuniary aid. As to the objection, that we are to examine each child individually in reading, writing, and arithmetic, the candour of my noble Friend has shown him the fallacy of that argument. I find from the report of the Head Inspector of Schools in Ireland that the Inspectors there are required once a year to examine every scholar individually not only in reading, writing, and arithmetic, but in everything that he is taught, and that there is no difficulty in applying that test. The report adds that it is very doubtful whether the inspection would not be an evil instead of an advantage if that individual examination were entirely overlooked. My Lords, I never could have anticipated that in this assembly any one would be called upon to speak of the great importance, next to religious training, of these three elements of instruction—reading, writing and arithmetic. And when we hear geography and other matters which might be useful to a boy spoken of, I ask whether the boy is not much more likely to obtain a thorough knowledge of these things if he can read and write than if he can do neither? Teach him to read, write, and cipher, and you give him the key by which he may unlock all the other treasures of knowledge. I think if these indispensable elements are properly taught to the majority instead of to the minority of the scholars who pass through the schools, parents will be more anxious to

send their children there. Why, if boys or girls want employment on railways or in shops, for instance, the first question put to them is, "Can you read, write, and count?" and we hear of tradesmen constantly complaining that they cannot get a girl fit to serve in their shops because many of those who apply for situations are unable to keep ordinary accounts. I say, then, that it is of the utmost importance to correct this deficiency in the simplest rudiments of education, while, at the same time, I disclaim the slightest intention to discourage the attempt to impart the greatest possible amount of additional instruction that can be given to the children of the labouring classes during the brief period within which they generally attend school. The next Resolution relates to the refusal of any payment on account of more than one examination of the children after they are eleven years of age. With the same candour which characterized the rest of his speech, my noble Friend admitted that we are right in the proposed system of grouping by age. His avowal on that point is infinitely more valuable than that of any of your Lordships who had originally taken a favourable view of this part of the scheme could have been, because at the outset my noble Friend was sceptical on the matter. Now, I have repeatedly urged upon the House that it is impracticable to keep the children of the labouring classes at school beyond 10 or 11 years of age. I grant that there may be exceptions to this, and that in all the schools there may be found some children of tradesmen. No doubt my noble Friend's head groom and head gardener have means enough and sense enough to keep their children some years longer at school; but the question is, are we to extend the assistance of the State to the middle classes, or to confine it entirely to the labouring classes? I hope these children of tradesmen will continue to attend the schools, and it will be good policy on the part of the managers to endeavour to retain them; but it is quite a different thing to say that the taxpayers of this country should be called upon to contribute towards the education of those who are competent to pay for it themselves. My Lords, I think I have now touched upon the principal topics of my noble friends speech. I have to repeat my thanks to him for the manner in which he has treated this question. I feel that the subject is a very difficult one. The plan we now propose

will tend to simplify it; and I trust that the discussions which have taken place here and elsewhere may lead to a better understanding of the question, and tend to satisfy the public that the general principles of the Revised Code are sound and correct.

LORD BELPER said, that his noble Friend the President of the Council had not entirely satisfied him as to the fairness or justice of the proposed withdrawal of the grant heretofore made to certificated teachers. He did not go the length of saying that the masters could be regarded as persons who had a right of property, or what was called a vested interest in the grants; but the circumstances under which the grants had been sanctioned by the Government and by the Parliament of the country must have produced in their minds a reasonable expectation of the continuance of those grants. Under that expectation many of them had entered the profession of teacher, and to withdraw the grants so suddenly and entirely was, to say the least of it, a harsh measure, if it was not positively unfair. He therefore hoped that the case of these persons would receive a favourable consideration from the Government and the Legislature. One of the objects in making the grants originally was to secure a better class of masters, and a matter of such importance ought not now to be lost sight of. He recollected, when these grants were first proposed, feeling surprised that the Government adopted such a course, and he then remarked that they were introducing a perfectly new principle; that so long as grants were confined to the building of schools, or to the giving of assistance to the managers of schools, there would be no difficulty in withdrawing them; but that when the Government gave annual grants to schoolmasters on certain conditions, they made themselves responsible for the continuance of the grants, or that at least they created an expectation which it would be difficult and unfair to disappoint. There was another point on which he was not entirely satisfied, and that was as to the age at which the payment for pupils was to be discontinued. It seemed to him very objectionable that it should cease at so early an age as eleven years and a half. If there was one point on which managers of schools, and all persons who had most experience in education, were agreed, it was this—that it was most desirable to retain the attendance of children at school



as long as possible. It might be true that that was difficult, and that a very large number of children left school at that early age; but, whatever the difficulty might be, he did not think the point ought to be given up by the Government in despair, or that they should do anything to give rise to the inference that they considered it a matter of course that children should leave school on arriving at that age. It was said that if the payment was continued longer, children of a higher class, for whom the benefit was not intended, would remain. But he (Lord Belper) believed, that if that were the result, it would be an advantage to the school. If, in a school of one hundred boys, eight or ten boys of a superior class were induced to remain, it would give a tone to the school and afford an example to the younger children which would more than compensate for any additional expense it might involve. But he had himself known children belonging to the lower class remain later; and that such was the case was proved by the fact, that many pupil-teachers were selected from that class. He hoped that this part of the plan would not be adhered to, because he thought it would be generally regarded as a great discouragement to the attendance of the elder children in the schools. True it was said that this would be compensated for by the night schools; but if it was expected that the children who left the day schools would attend the night ones, he was afraid that much disappointment would be experienced. Only a small number of boys who had gone into employment would be found attending the night school after their work was done. It was also doubtful whether the same master would be able to teach both a day and a night school. He had over and over again heard managers of schools say that they found the masters of day schools physically incapable of undertaking the teaching of night schools, and hitherto the Committee of Council had refused to allow masters to combine them. Another and still more important question was, how, under this system, provision could be made for the instruction of the pupil-teachers. One thing which peculiarly distinguished the present improved system of education was the substitution of pupil-teachers for the old monitors. How could masters be expected to teach pupil-teachers if they had not only a day school but also a night school to attend to? He was sure it

was not intended, but he feared the effect of the proposed modification would be to discourage the system of pupil-teachers, and to restore that which was so much inferior. With respect to the test proposed—namely, reading, writing, and arithmetic—nobody could object to it, and he quite concurred with all the noble Earl had said on that part of the subject. He was glad to hear that there was not any intention to interfere with the acquirement by the pupils of a knowledge of the other branches of learning: but he could not help thinking that the effect of confining the examination solely to those three subjects would be to discourage the masters from paying attention to the cultivation of higher branches of knowledge, some acquaintance with which, on the part of the children, was absolutely necessary to the preservation of a knowledge of the arts of reading and writing. A child taught to read, write, and cipher only, would very probably, at the end of a year or two, be found to have forgotten what he had learned; whereas, if he had acquired at school a taste for literature, if he had been induced to take an interest in the subjects of his reading, he would be more likely to retain what he had learnt, and to improve year after year. He (Lord Belper) was not disposed to deny the shortcomings of the old system, or to say that great defects might not attend it; but it could not be doubted that enormous advantages had been derived from it. It had been successful in overcoming great difficulties—especially the religious difficulties which beset the case—in a manner that could not have been believed before it was introduced. He thought that in the statements made on this subject the effects of that system in giving a good and sound education had been in some degree undervalued. There was great discrepancy in these statements. On the one hand, the Royal Commissioners reported that only 25 per cent of the boys attending the schools acquired a good education; on the other hand, the Inspectors—gentlemen of the highest attainments and good faith, who had had the most ample means of informing themselves on the subject—reported that 80 or 90 per cent were well taught. An attempt had been made to reconcile these reports by saying, that while 80 or 90 per cent were well taught, only 25 per cent had well learned. He could not accept that as a fair interpretation of the reports. It was impossible to suppose that

the Inspectors, as men of honour and high character, could have intended to make such a distinction; and he regretted that if the expression they used was considered ambiguous, they were not called upon for an explanation of it. He also thought it most desirable that Parliament should have the advantage of being furnished with their opinions on the proposed changes in the system, as no one could be better qualified to give advice on such a subject. He had stated some of his objections to the Revised Minute, without the slightest hostile feeling to the promoters of the measure or to the measure itself, and he trusted the result of the discussion of the subject in that and the other House would be the improvement of the Code, as he had no doubt that that was the object and intention of the authors.

LORD LYTTTELTON observed, that pupil-teachers had no claim whatever on account of their apprenticeship, and were not bound by it in the slightest degree. He was satisfied with the discussion that had taken place, and in accordance with what appeared to be the feeling of the House, he begged leave to withdraw his Resolutions.

Resolutions (by leave of the House) *withdrawn*.

House adjourned at half-past Seven o'clock, to Monday next, half-past Eleven o'clock.

## HOUSE OF COMMONS,

*Friday, March 7, 1862.*

### FISHERIES AND ROADS IN SCOTLAND.

#### QUESTION.

MR. LESLIE said, he would now beg to ask the Lord Advocate, Whether the Salmon Fisheries (Scotland) Bill, and the Roads and Bridges (Scotland) Bill, will be brought forward during the present Session?

THE LORD ADVOCATE replied, that the Roads and Bridges Bill of last year had given rise to so much difficulty, and so much difference of opinion had been expressed on the subject, that he did not propose to introduce any measure of the kind during the present Session. With regard to the Salmon Fisheries, without going the length to which the Bill of last year extended, he thought it might

be in his power to introduce a Bill by which the interests of parties concerned in those fisheries would be better preserved than they were at present.

#### EDUCATION IN SCOTLAND.—QUESTION.

MR. LESLIE said, he also wished to ask the Lord Advocate, Whether in the event of an Education Bill for Scotland being in contemplation, Government would consent to the appointment of a Royal Commission to inquire into and report upon the subject of and circumstances affecting Education generally, prior to the introduction of any new measure or any change in the system at present in operation in Scotland?

THE LORD ADVOCATE said, there was no probability of the appointment of such a Commission.

#### EDUCATION—THE REVISED CODE OF REGULATIONS.—QUESTION.

MR. WALPOLE said, he wished to ask the Vice President of the Committee of Council, Whether the Managers of Schools who do not, after the 31st day of March, 1862, undertake to provide and pay the full stipends and gratuities now severally payable on account of pupil-teachers during their current apprenticeships, will be entitled to claim any; and, if any, what portion of the Capitation Grant proposed to be paid under the regulations of the Revised Code?

MR. LOWE: The answer, Sir, to my right hon. Friend is this. During the year which will elapse from the 31st of March, 1862, to the 31st of March, 1863, all schools which are now aided by the Privy Council will be examined and paid on the principle of the old original Code; and therefore if, during that year, the managers do not make an arrangement for paying pupil-teachers, that will not prevent them from receiving the grant which they would be paid if there was no Revised Code. But after the 31st of March, 1863, managers can only receive one of two grants—either a grant for pupil-teachers only; or, in case they undertake to pay the pupil-teachers themselves, such capitation Grant as they will be entitled to under the New Code.

#### THE LONGFORD ELECTION.—QUESTION.

MR. LEFROY said, he wished to ask the Chief Secretary for Ireland, If the



Government have received full information as to the results of the riots which are alleged to have taken place at the late Election for Longford; and, if that information was calculated to alleviate the anxiety produced in the minds of many persons whose friends and tenants were reported to have been dangerously wounded by the mob, in consequence of threats held out against them if they exercised their privilege of voting for the candidate whom they wished to support; and, if such was the case, if the Government proposed to take any measures to prevent a repetition of such proceedings on any future occasion?

SIR ROBERT PEEL: The subject, Sir, which the hon. Member has brought under the notice of the House is one which, I must say, has excited very general interest, and given rise to strong feelings in the minds of a great many Gentlemen on both sides of the House. For myself, I am not at all surprised, considering the scenes which undoubtedly have taken place within the last few days in Longford, that the hon. Gentleman should give expression to feelings of indignation on the subject; more especially as tenants of the hon. Gentleman, as well as tenants of other gentlemen, and the Protestant Pastor of a parish in the county of Longford, have been maltreated, and half-murdered, I believe, by a violent and lawless mob. I am bound to say that the information which has appeared in the newspapers by no means comes up to the state of the case; because I believe that the scenes of outrage, intimidation, and violence which have occurred at Longford were such as have not been witnessed in Ireland for a great many years. I do not know what course may be pursued on the subject, but from the reports received by the Government I am led to believe that this election—or mockery of election, as I suppose I may call it—will be subjected to a Parliamentary inquiry. Of course I am not able to say what proceedings will be adopted in the matter, but I believe that freedom of election has not been at all exercised by the people.

MR. HENNESSY: I rise to order. I submit, Sir, with great respect, that as the proceedings at this election are to form the subject of a Parliamentary inquiry—as Colonel White's agent has given notice to the agent of the hon. Member for Longford, and that fact has come to the knowledge of the Government—the right hon.

Baronet is out of order in discussing a question that is to form the subject of such inquiry.

MR. SPEAKER: It appears to me that the matter is not one of order, but of discretion.

SIR ROBERT PEEL: The hon. Gentleman (Mr. Lefroy) asked me whether the Government intended to take any measures in consequence of the scenes that have occurred at this election? They did take precautionary measures. There was a large military force, a force of constabulary, and three special stipendiary magistrates in the county; but probably they were not sufficient for the purpose intended. However, I believe the Government have given orders that all persons who can be proved to have been engaged in these violent proceedings shall be followed up and prosecuted as the law may direct.

#### CLOTHING OF THE VOLUNTEERS. QUESTION.

LORD ADOLPHUS VANE TEMPEST said, he wished to ask the Secretary of State for War, Whether Her Majesty's Government will sanction the issue of clothing, at contract price, to regiments of Volunteers; also, whether they will consider the expediency of giving a contingent allowance per man (according to the strength of the corps at the annual inspection), in aid of the renewal of clothing and equipments?

SIR GEORGE LEWIS: In answer, Sir, to the question of the noble Lord, I may state that it is the intention of the Government to issue cloth to Volunteers at contract price, with 5 per cent for establishment and other charges. The War Office will undertake to supply one description of gray cloth to be decided on by a Committee of Volunteers. The cloth so furnished will be obtained from the Government at from 15 to 20 per cent less than it can be obtained from the trade. A circular will shortly be issued from the War Office on this subject.

#### SUPPLY.

Order for Committee (Supply) read.  
Motion made, and Question proposed,  
"That Mr. Speaker do now leave the Chair."

#### UNITED STATES—BLOCKADE OF THE SOUTHERN PORTS.

##### ADDRESS FOR CORRESPONDENCE.

MR. GREGORY: Sir, before going into Committee of Supply I wish to call the

attention of the House to a subject which I conceive to be one of the most important that can be brought under its notice. Perhaps, Sir, I owe some explanation to the House for having chosen a Supply night for the discussion of this question; but I trust the House will allow that I have not been infringing upon a Government night unnecessarily, because the public business has been proceeded with so rapidly that I think they may well spare a night for the discussion of so important a question. Then I think it was absolutely necessary not to postpone the consideration of this question any longer—a question involving matters of international law, and a question likewise affecting the welfare of the working classes of this country. I am the more induced to select this evening for the discussion of this question, because my hon. Friend the Member for Liverpool (Mr. Horsfall) has given notice of his intention, on Tuesday next, to call the attention of the House to questions of international law; and I thought it was most essential that this special question of the blockade of the ports of the Confederate States should not be mixed up with other questions of international law without having formed, first of all, the subject of a separate discussion. When, in the month of May last, the mails brought to this country the reply of Mr. Seward, the American Secretary of State, to Governor Hicks, of Maryland, I confess that no one in this House re-echoed more heartily than myself the expression which the noble Lord the Foreign Secretary made use of when he said, “Thank God, we have hitherto refrained from all interference in these American dissensions.” Governor Hicks, of Maryland, being a man of prudence and humanity, and being anxious to spare his State the horrors of civil war, proposed to Mr. Seward the mediation of England. Mr. Seward replied that, under no circumstances, would he submit their internal affairs to the arbitrament of any foreign Power, and least of all to the arbitrament of a European monarchy. Now, Sir, I think, had we been in the position of the United States, with dismemberment threatening every portion of her dominions, with a bloody civil war impending, we might have replied that we would not submit our internal dissensions to any foreign Power; but I hardly think we would have thrown in the gratuitous affront—that least of all would we submit our internal affairs to the arbitrament of an American republic. See-

*Mr. Gregory*

ing, then, that these were the sentiments which animated those to whom the destinies of the United States are confided, I assure the House I deprecate interference now as I deprecated interference then, quite as fully as the noble Lord. But it may be in the recollection of the House that, early in the last Session of Parliament, I gave notice of my intention to bring before Parliament the expediency of recognising the Southern American Confederation. I can assure the House I did so without the slightest intention of advocating interference. I did so in the hope that the united action of France and England—for I was in hopes that united action might possibly be procured—would have given great moral weight to the many humane, benevolent, and far-sighted men in the Northern States, who were anxious at that time for a peaceable separation; and that it would have induced the Ministers of the United States to pause ere they plunged their countrymen and themselves into the vortex of a ruinous, a fratricidal, and allow me to add, in spite of the news recently arrived, what I firmly believe to be a hopeless contest. When the night for the discussion of that Motion came on, my hon. and gallant Friend opposite appealed to me not to proceed with it; and that appeal was so evidently in accordance with the general wish of the House that I did not hesitate to acquiesce. My hon. Friend, no doubt, thought that in the course of the debate expressions calculated to promote irritation might have been made use of likely to endanger peace between England and America. Now I can assure my hon. Friend that, so far as I was concerned, I should have made use no irritating expression. I should have affirmed then, as undeterred by what has occurred since, I affirm now, that secession was a right, that separation is a fact, and that reconstruction is an impossibility. I should have additionally stated that all my heart and sympathies were with one portion of the American people—not that portion that is fighting for empire, but with that portion which is struggling for independence. If I rejoiced to acknowledge these sentiments on the occasion of Bull’s Run, I am not going to slink from them now, on the occasion of Donelson. If that discussion had been permitted to have gone on, I should have endeavoured to show the House what has since been better shown by Mr. Spence, in his admirable book on the causes of secession, and the right which the Southern



States claim to separate. I should have endeavoured to show that, in recognising a Government which I consider to be a Government of stability *de jure* and *de facto*, we should have been acting in accordance with our usual practice; and, perhaps, I should have been tempted to quote a celebrated despatch of the noble Secretary for Foreign Affairs upon the revolution in Italy, as bearing upon this question. I should have endeavoured to show—not paradoxically, but I think conclusively—to those who hate slavery and the slave trade in their heart that separation of the United States was the circumstance of all others most likely to lead to the realization of their hopes, and that the reconstruction of the Union was the circumstance of all others most likely to lead to the strengthening of the one and spread of the other. I should also have referred to the short-sighted and selfish commercial policy that now prevails, and which is openly acknowledged throughout the Northern States, and which, if it be not rendered hopeless and nugatory by the independence of the South, will not merely shut out from 30,000,000 of customers the manufacturers of Europe, but will, rely upon it, ere long breed a crop of troubles most dangerous to the peace of this country. I do not quarrel in the slightest degree with the House of Commons for the feeling that it expressed on that occasion. It was a proof, at all events, to the world at large of conciliation and goodwill. But I am sorry the discussion did not take place, because it would have come from an independent Member whose authority was nothing but a mere statement of his own opinions, and because I conceive that a free nation, accustomed to free comments on the actions of other nations, had no right to consider itself aggrieved by a free comment on an event of such enormous magnitude to the world as this. And not only that, but because I believe the attitude of the House of Commons on that occasion was not interpreted by the United States as a proof of conciliation and friendship, but that it was considered to be the result of fear, and that it encouraged that opinion of which we have had so many practical proofs, that whereas it may be dangerous to trifle with France, any outrage and insult may be given to England with impunity. Now, I am not going to press the subject of recognition, or say any more upon it at present, because, in my opinion, the great and pressing reason that

induced me to bring it forward last year has passed away—namely, the hope that the tide of battle might be stayed. I shall confine myself throughout the remainder of the remarks that I am about to make strictly and closely to the question of the blockade. I shall not travel one inch beyond that question, lest I might provoke other hon. Members to wander into discussions which are foreign to the Notice which I have placed on the paper. I think I may fairly say that this question, of the blockade of the Southern ports of America is a question of the most vital importance, not merely to England, but to the whole world. It is a question of importance to England as regards the national character for honour, good faith, and justice, and as regards the daily bread of multitudes of our working men. To the world at large it is a question of the most vast importance with regard to the interpretation of a great question of international law; it is a matter of importance in every part of the globe where the culture of cotton is likely to be brought about, and it is a matter of great importance as regards the manufacture of those articles which are likely to reach the continent of America, subject to the announcement that the country will receive from her Majesty's Government this evening. I must justify myself when I say that this is a matter in which the national character for good faith and justice is concerned. I am quite sure that most hon. Members of this House have read the remarks that have been made on the subject of this blockade by a very eminent French jurist, M. d'Hautefeuille. Those remarks, coming from such a person as M. d'Hautefeuille, have been extensively published. M. d'Hautefeuille speaks in this manner of this blockade—

“Among the fictitious blockades invented by belligerents, it will be sufficient to allude to the blockade by cruisers, to which the Northern States have resorted, and still resort, in their quarrel with the Confederate States. It consists in sending one or more vessels to cruise at a distance off a coast, the blockade of which has been previously proclaimed; and all neutral vessels sailing towards or from that coast are seized and confiscated as having run or attempted to run the blockade. By this system a despatch-boat, with a couple of guns, can maintain a blockade of a seaboard of 100 or 200 leagues in extent.”

That is M. d'Hautefeuille's opinion of the present blockade. But he does a great deal more than merely give his opinion of the blockade. He does not hesitate to accuse England of conniving at its ineffi-

ciency and illegality ; and that not from any doubt upon our mind as to its inefficiency and illegality—not from any reasons of conciliation or friendship towards the United States—but that we may make that illegal and fictitious blockade the basis of our own future arrogant pretensions when England herself, becoming belligerent may want for herself some evasion of international law. These are the words which M. d’Hautefeuille applies to us—

“How does it happen that England, to-day a neutral Power, consents to acknowledge a blockade of this description? Is it not that this nation, which has always and for so many centuries contrived to obtain such advantages for itself by paper blockades, which has so often and so odiously abused these means, contrary to all laws human and divine, to ruin neutrals, feels by no means sorry to preserve this immense resource for the moment, which she always foresees, when she shall be belligerent? The manœuvre is a skilful one. It consists in permitting at present the United States to interpret in their sense all existing treaties, to accept that interpretation, and even to apply it to the Declaration of April 16, 1856, in order that she may lay claim to be perfectly justified in following the same jurisprudence when Great Britain shall herself be involved in hostilities.”

This is what he says of our attitude ; and on the strength of that assumption he calls out loudly at once for armed neutrality against England. If this statement did not come from such an authority, I would not trouble the House with it ; but coming from a man of M. d’Hautefeuille’s position, such an insinuation is deserving both of comment and refutation. I will give the comment ; the refutation I will leave to the Treasury Bench. Now, as regards our character for justice. On the 23rd of May last, the noble Lord the Foreign Secretary announced to the House that belligerent rights were to be conceded to the Southern States ; and this was followed by the announcement of perfect impartiality and neutrality. The Southern States shortly afterwards complained of the Proclamation that privateers should not take prizes into the ports either of England or of France. They naturally thought that the commercial marine of the United States was its vulnerable point, and they were naturally sorry that this one means of making war intolerable to the Northern States was taken from them. They naturally concluded that the United States having refused in 1856, when they were invited to join in the Declaration of Paris, the European Powers would not have been sorry to have given those States

a lesson for their selfishness. But the Southern States acted with that moderation and good temper which I think has distinguished them throughout ; they acquiesced with a good grace in the course pursued by the Governments of France and England. They did not threaten England with the vengeance of 100,000,000 of men, who, providentially, are not at their call. But they said they would accept the three last Articles of the Declaration of Paris, laying, at the same time, great stress upon the fourth, namely, that blockades, to be considered binding, should be strictly effective. Mr. Bunch, our Consul at Charleston, writing to his Government, said—

“The fact is, the President and the Government of the Confederate States are a good deal annoyed at the refusal of France and England, and other nations, to allow prizes to be condemned in their ports, which they consider some departure from a strict neutrality, and which they still hope may be reconsidered. They hope that France and England will induce other nations to insist on a rigorous fulfilment by the United States of the 4th Article of the Treaty of Paris.”

I say our justice and our impartiality is involved in this case. If this blockade to be binding is to be effective, where is our impartiality in conniving at the employment of a weapon of warfare by one belligerent which it is not in the power of the other belligerent to employ? It is precisely the same thing to my mind as if you were to issue a proclamation of perfect neutrality, and were to permit one of the belligerents to obtain stores and ammunition in your ports whilst you effectually kept the other out. If you allow your vessels to be illegally captured (and I am proceeding upon an assumption), it is most unquestionable that you are not acting with strict justice, and you are throwing your power into the scale of one of the belligerents. I am going upon assumptions which I intend hereafter to establish by facts. If my facts are not true, my arguments are not valid ; but if my facts are true—and I have a right to go on this assumption—you are doing injustice, not only to the Southern States, but also to the fair traders of this country, by making access to the Southern States a mere smuggling and gambling speculation. Again, if this blockade is legally fictitious, you are acting unjustly by your own operatives by depriving them of the raw material of the manufacture by which they exist. Hitherto they have borne their privations with the most exemplary

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patience. But is it not natural they should inquire whether these privations are brought upon them justly or not? This is essentially a question for the working man. It is all very well to say that at this moment the world is flooded with the over-production of past years; but I am given to understand there are orders coming in, and there would be a demand from many parts of the world if the ports of the Southern States were open to our commerce. And not only that, but presuming that these ports were open, there are 8,000,000 Southerners anxious and ready to take our manufactures, which would not be kept out by a Morill tariff or by differential duties upon our ships. Can you wonder that the people of Lancashire and Yorkshire are turning their eyes in that direction? Can you wonder they are anxious that these ports should be opened, when they believe that if they were open, the closed gates of the mill would be thrown wide open, and gladness and plenty and cheer would revisit many a cold and desolate hearth? Can it be that the patient endurance of distress has induced the Government to acquiesce in an illegality, if it be such? I wish distinctly to say, that in any remarks I have made, or am about to make, I have not the slightest intention to attack Her Majesty's Government. I consider they have had a difficult card to play, and they have played it to the satisfaction of the country. Whilst they have vindicated its honour, they have done so in a spirit of conciliation and forbearance. I have read with the greatest attention all the papers which bear upon this American question, and I am bound to say, I am more than satisfied with their conduct under circumstances of the greatest difficulty. All that I am afraid of is, that we may go too far, and that the same spirit of conciliation and forbearance which has characterized all our dealings with the United States, may induce us to acquiesce in illegalities and in infractions of the law most prejudicial to our own interests, and most damaging to the name of England in the eyes of foreign Powers.

Sir, I now proceed to allude briefly to the present state of international law upon the subject of blockade. The Dutch, I believe, were the first to give great and undue latitude to the system of blockades. The English were not slow in following their example. I will pass on to the year 1780, which is the date of the declaration on the part of Russia to belligerent Powers.

Count Panin, the Minister of the Empress Catherine, whose opinions and views were then hostile to England, on the occasion of two Russian ships being seized when conveying corn to Gibraltar, issued this Declaration. It affirms three principles—1. Free ships make free goods; 2. Contraband of war must be defined by treaty; 3. Blockade, to be acknowledged, must be stringent and effectual. This Declaration was the basis of the armed neutrality in which the Baltic Powers joined, and which was subsequently willingly acceded to by France, Spain, and other Powers. In the Convention between England and Russia, of June 17, 1801, a blockaded port is declared to be one at which there is, "by the disposition of the Power which attacks it with ships stationary, or sufficiently near, an evident danger in entering." Throughout the present century every one who has studied the progress of international law, will have perceived an evident desire to arrive at some more strict definition. The United States have always been most urgent and anxious on this subject. In a treaty between the United States and Chili, in 1832, and in the Peru-Bolivian Convention of 1838, the definition given of a blockaded port is "one actually attacked by a belligerent force capable of preventing the entry of any vessel." I will also call attention to the words, "attacked port," in the Russian Convention, and in these treaties between the North American and South American Republics. It is held by a great number of persons that a blockade by itself, as a simple instrument of warfare, is void; that a blockade to be really good must be ancillary to other operations for the reduction of the port, and that it would in fact be levying war against neutrals were we to employ a blockade as the only and sole method of reducing an island with which we are at war. I quote this not to insist upon it at all, but because I wish to show that on the Continent there are opinions held that are far different from ours, and that we may rely on it that no laxity on our part, no endeavouring to evade the Declarations of Paris, will ever avail on any future occasion when we shall be belligerents, and may wish to fall back upon this American precedent of 1861-2. In stating the nature of international law on the subject of blockade, he would quote a very short extract from one of the greatest American authorities, universally recognised in this country, Judge Kent, who stated—

"The squadron allotted for the purpose of the execution of the blockade must be competent to cut off all communication with the interdicted place or port. The failure of either of the points requisite to establish the existence of a legal blockade amounts to an entire defeasance of the measure."

Judge Kent proceeded to say—

"The Government of the United States has uniformly insisted that the blockade should be effective by the presence of a competent force stationed and present at or near the entrance of the port, and they have protested with great energy against the application of the right of seizure and confiscation in case of ineffectual and inefficient blockades."

Then comes this all-important passage—

"The occasional absence of a squadron does not suspend a blockade; but if the blockade be raised by the enemy, or by the employment of the naval force or part of it, though only for a time, to other objects, or by the mere remissness of the cruisers, the commerce of neutrals with the place ought to be free."

This is corroborated by Wheaton and other American authorities on international law. A great number of French jurists, in their strictness say, that if a blockade be interrupted by a storm, it is ineffectual; they hold that a blockade should be so stringent as that the vessels should be so stationed at the port blockaded as to cross their fire; and they say that merchantmen should be allowed to visit ports blockaded, in order that by actual inspection they may see whether the blockade is valid. According to a treaty of 1800, which I believe is still in existence, between America and France, each French vessel attempting to enter a blockaded port, must have a distinct and separate warning of the blockade before she can be captured. I need not say, I do not hold a doctrine of this description. I quote it to show, that abroad and on the Continent of Europe the whole question is looked upon with far greater stringency than it is looked upon by us in this country. I will now proceed to show what has been the practice. There was one celebrated case, the case of the *Nancy*; and I will quote the decision of the Privy Council in this case in 1809. In 1804, as a British vessel was endeavouring to enter a port of the blockaded island of Martinique, she was captured; and the capture was pronounced illegal by the Privy Council upon these grounds—

"The capture is contrary to international law, because it was the duty of the blockaders to maintain such a force as would be of itself sufficient to enforce the blockade. This could only be effected by keeping up a number of vessels on the different stations so communicating with each other as to be able to intercept all vessels."

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And in Lord Stowell's judgment in 1809 this view is confirmed—

"The usual and regular mode of enforcing blockades is by stationing a number of ships, and forming as it were a circle of circumvallation round the mouth of a prohibited port. Then, if the arch fails in any one part, the blockade itself fails."

Passing from 1809 to 1856, we find an attempt made in Paris to give some definition, some interpretation, and, in my idea, some real efficiency to blockades. The Declaration of Paris says, that "blockades, in order to be binding, must be effective, that is to say, be maintained by a force sufficient really to prevent access to the coast of the enemy." I ask the House of Commons, what is the meaning of this word "really"? Is it introduced to round a sentence? or is it to be taken as some Oxford divines wish the doctrines of the Church of England to be taken—in a non-natural sense? If so, diplomatists employed pens and ink to little purpose. Mr. Marcy seems to have been of that opinion in 1856, for he says—

"This rule has not for a long time been regarded as uncertain, or the cause of any 'deplorable disputes.' If there have been any disputes in regard to blockades, the uncertainty was about the facts, but not the law. Those nations which have resorted to what are properly denominated 'paper blockades,' have rarely, if ever, undertaken afterwards to justify their conduct upon principle, but have generally admitted the illegality of the practice and indemnified the injured parties."

And it appears to me that, without quoting further from Grotius, Puffendorf, or others, the word "really" is a word that appeals to our common sense; it means that a blockade shall first of all be duly notified, and then that it shall be thoroughly effective and unintermittent, and of such a character that vessels shall, except in very rare contingencies, be unable to get in. I should consider, from what I have read in the papers presented to Parliament, that the blockade of New Orleans was an effective blockade; as regards other ports, the thing has been a delusion. I must now turn to the letter of the noble Lord the Foreign Secretary, and upon that I shall rest my case. He particularly selects, at the commencement of his despatch, the two ports of Wilmington and Charleston. He says, writing on Feb. 15, 1862—

"Her Majesty's Government have had under their consideration the state of the blockade of the ports of Charleston and Wilmington. It ap-



pears from the reports received from Her Majesty's naval officers, that although a sufficient blockading force is stationed off these ports, various ships have successfully eluded the blockade; and a question might therefore be raised as to whether such a blockade should be considered as effective. Her Majesty's Government, however, are of opinion, that assuming that the blockade is duly notified, and also that the number of ships is stationed and remains at the entrance of a port sufficient really to prevent access to it, or to create an evident danger of entering or leaving it, and that these ships do not voluntarily permit ingress or egress, the fact that various ships may have successfully escaped through it—as in the particular instances here referred to—will not of itself prevent the blockade from being an effective one by international law."

It appears to me, that this is one of the most astounding letters I have ever read; because all the evidence which can be brought forward shows that these very ports of Wilmington and Charleston are not blockaded, and that not one of those conditions which constitute an effective blockade are applicable to these particular ports. Then the noble Lord goes on to say—

"The adequacy of the force to maintain a blockade being always and necessarily a matter of fact and evidence, and one as to which different opinions may be entertained, a neutral State ought to exercise the greatest caution with reference to the disregard of a *de facto* and notified blockade, and ought not to disregard it, except when it entertains a conviction, which is shared by neutrals generally having an interest in the matter, that the power of blockade is abused by a State either unable to institute or maintain it, or unwilling, from some motive or other, to do so."

Well, Sir, I should like to know what is the opinion of neutral Powers upon the subject of this blockade? I have every reason to believe, and there are many other Members of this House who have very good reasons to know, that the opinions of neutral Powers are almost unanimous that the blockade is ineffective and is illegal. And, Sir, I cannot produce better confirmation of my views than by alluding to the reply that was made in the House of Lords the other night by Earl Russell to the Earl of Carnarvon, in which the former says—

"From time to time the French Ambassador and some other Representatives of the Maritime States have asked me whether the British Government was prepared to interfere in this matter of the blockade."

Now, Sir, I would like to know why the French Ambassador and the Ministers of the other Maritime Powers should inquire of the noble Lord if it was the intention

of England to interfere, when she had no business to interfere unless she could justify herself by the law of nations? The reason is perfectly clear. This demand was made by the other Foreign Ministers of Lord Lyons in the full conviction and belief that this blockade was illegal and untenable.

Sir, that is in reality the case: and that it does not fulfil any of the formalities which a blockade ought to fulfil, I shall now proceed to show you, from the number of vessels that have run the blockade *ab initio* to the present time, and I shall take my authority from communications that have been made to me, from the despatches of your naval commanders, from your consuls, from the City articles of *The Times*, and from the acknowledgements contained in the American newspapers themselves. After having read some extracts, and pointed out to the House the facts which I am about to quote, I shall then ask the House if they will agree with the hon. Gentleman who sits below me (Mr. Bright), who declares that this is the most effective blockade in the annals of the world?

MR. BRIGHT: I did not say that.

MR. GREGORY: That this is the most effective blockade in the annals of the world, because cotton, which costs 4d. per pound at New Orleans, costs 1s. 2d. at Liverpool. The statement I have now to make is with regard to the number of vessels that have run the blockade. The latest date to which I have any account of these vessels is November 1st; but here is a statement that has been put into my hands, the substantial correctness of which, I believe, will not be impugned, though some questions may arise as to the tonnage and size of the vessels. But all I can say is, that the general accuracy of this statement will not be impugned, that in some ports, up to the 1st November—in others up to August, in others up to July—upwards of, I may say in round numbers, 400 vessels had run the blockade; and, from the statement I have received, I am given to understand that the running of the blockade is just as constant as it was before. I have carefully eliminated from the list that has been given me all vessels that have proceeded from the internal waters of the United States—these vessels are only vessels that have actually and positively run the blockade. And I may just mention here that surely it is all very

well to say that, because these are small vessels, this is not an infraction of the blockade. It is an infraction, not of the blockade only, but of the trade rights of neutrals; because if one class of vessels, or the vessels of one nation, are allowed to run the blockade without being checked, to the prejudice of another, that other is placed at a disadvantage to which she ought not to be subjected. As early as the 20th of May last Lord Lyons writes—

“I am very apprehensive that the blockade is not being carried out with a due regard to the established principles of international law, or to the rights and interests of neutrals. No sufficiently public or official notice appears to be given of the precise date of the beginning of the effective blockade in each locality, or of the exact limits to which it extends. If the statement in the enclosed newspaper extract is correct, the terms of the warning given by the *Niagara* to a British vessel off Charleston were, ‘Ordered off the whole Southern Coast of the United States of America, it being blockaded.’ These terms are not only vague and indefinite, but plainly inaccurate; at the time the warning was given the greater part of the coast was not blockaded, and (so far as I know), up to the present moment, nothing like an effective blockade of the greater part of the Southern Coast exists.”

And now, Sir, when this illegal warning was given by the *Niagara*, let me remind the House that Mr. Seward, the Secretary of State, was perfectly well aware what was the legal state of the case, what was the meaning of a blockade, and what were the regulations enjoined by the practice of the United States. The noble Lord at the head of the Government, who is quite aware of all transactions connected with foreign affairs, will perhaps recollect that at the time of the Mexican war Mr. Maclean, the Minister from Washington in this country, read to Lord Aberdeen a letter from Mr. Buchanan, Secretary of State in Washington, in which Mr. Buchanan declared that it was the intention of the United States to announce the blockade of the coast of Mexico. Lord Aberdeen replied, “There must surely be some mistake; England can never recognise the blockade of a coast;” and Mr. Maclean referred to Washington for further instructions. Shortly afterwards a reply was received saying that it was a typographical error, and that the word ought to have been “the ports” of Mexico, not the “coast,” for that the United States would never dream of proclaiming the blockade of a coast in direct contravention of the principles they had always

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laid down. Now, the extract which I have read to you from Lord Lyons is amply confirmed by the reports of the Consuls. There is a communication from Consul Bunch, dated May 17, but that I will not trouble you with. But the communication of Lord Lyons on June 3rd is still more important, because it conveys to you directly the fact that that principle which has been laid down by Earl Russell, as constituting the efficiency of a blockade, has been abandoned in that particular case—namely Charleston—upon which he relies. Lord Lyons, writing on the 3rd June, reports that no blockading ship has been off Charleston from the 16th May to the 28th May, but that Mr. Seward holds that the withdrawal of the blockading squadron does not amount to the discontinuance of the blockade. He encloses Mr. Seward’s letter to him, in which Mr. Seward assumes the extraordinary position that though there was no blockading vessel present off Charleston, yet the blockade of the port was neither abandoned, relinquished, nor remitted. And Mr. Seward lays down this doctrine—

“I hasten to express the dissent of the Government from the position which seems to be assumed in your note, that that ‘temporary’ absence impairs the blockade, and renders necessary a new notice of its existence.”

Because it is inconvenient at the present moment to Mr. Seward and the Government of Washington to institute an effective blockade, Mr. Seward—as Mr. Seward generally does—put his foot upon every principle of international law. He says—*sic volo, sic jubeo*; it answers our purpose for the present, and it will answer perfectly well. And, says Mr. Seward, as for all those principles of international law, which we have ever upheld, they are but dust in the balance compared with the exigencies of the moment. Now, what is Consul Bunch’s comment upon all this? If you turn to p. 17, you will see what he says on the subject. He says—

“It is true that the *Niagara* did take up her position in front of this harbour.”

But then he goes on to say, having given the whole account of the vessels which came in—

“Without desiring to impugn the correctness of Mr. Seward’s statement to a greater degree than may be necessary to establish the truth, I will only remark that neither the *Harriet Lane* nor any other vessel was ever in a position to maintain the blockade, as the foregoing facts will clearly prove. But whatever may have been the



intentions of the Government of the United States, it is perfectly clear that the blockade was utterly and entirely ineffective and null for nearly fifteen days. My colleagues of France and Spain have so reported it to their respective Governments, so that I am not alone in my opinion."

Well, Sir, let us now leave the port of Charleston and let us go to Savannah. At Savannah the blockading ship arrived on the 28th May. It left on the 1st June and was not heard of until the 13th. Mr. Fullarton, our acting Consul at Savannah, writing to Earl Russell, says that the blockade of that port commenced on May 28; that the war steamer remained off there till the 1st June, when she left, and had not since been seen or heard of, leaving the entrance to the harbour entirely unobstructed. In July Consul Archibald, of New York, reports that there was no blockade between Cape Hatteras and Cape Fear (p. 20). On the 29th July Commander Hickley reports that the important town of Wilmington, in North Carolina—the other port mentioned by Earl Russell—was not blockaded, and that Ocracoke, the chief inlet to Painter's Sound, was not blockaded either. On July 25th Consul Bunch writes from Charleston—

"At the moment at which I am writing there is no blockading ship whatever, nor has there been for upwards of twenty-four hours, although no bad weather has arisen to drive a ship off the coast. In fact, I have no hesitation in saying that the blockade of this portion of the American coast is effective only as regards large vessels, the property for the most part of neutrals, whilst the coasting trade between Charleston and the ports of North Carolina, of Georgia, and of Florida, conducted in steamers of light draught, and schooners of from 100 to 300 tons burthen, goes on unmolested."

But on August 6 a still more startling document appears. Consul Bunch writes to Lord John Russell, and encloses a sworn affidavit, sworn before the Vice Consul, to corroborate his statement. He says—and listen to this, I pray you; for what in the name of mercy is not a blockade if this is? He says—

"The several privateers which have sailed from this and other Southern ports, are making captures every day, and sending their prizes into all the ports, quite unmolested by any of the ships of the United States. In North Carolina the same state of things prevails. Even the little steamer the *Daylight*, which remained for five days off the port Wilmington, has been withdrawn, and, so far as I believe, not a single ship of war is at present to be found on the entire coast of the State."

Again, on the 20th of August, Consul Bunch reports—

"The coasting trade continues in full force, and I feel quite assured that were larger vessels to approach the coast, they could easily enter almost any of the ports."

On September 4th Consul Bunch writes from Charleston—

"I have the honour to report that the blockade of this port continues to be conducted with the laxity which has hitherto distinguished it. Vessels of various sizes enter and sail almost at pleasure."

And at page 83, he says—

"Ingress into the port of Charleston has certainly been allowed at all times, since the first establishment of the blockade, to steam transports in the service of the Confederates, which have come in from the surrounding coasts with the Confederate flag flying, in full sight of the blockading squadron. Similar ingress has not been allowed to any other vessels."

This appears, Sir, to me to be perfectly astounding. Here is our own Consul—the very official to whom, in full confidence in his integrity and veracity, Lord Russell applied for information—and this is the answer he received. Well, Mr. Bunch goes on to say—

"The blockade has been adequate to cause obvious danger to large vessels, but totally inadequate to prevent the ingress of small vessels from 50 to 300 tons, and drawing less than ten feet of water. The above remarks apply to the port of Charleston. Of the ports between it and Savannah I can safely say there has been no blockade at all."

He then gives the description of the vessels, and he says—

"Off Wilmington, up to two or three days ago, there has been no blockading vessel, except the *Daylight*, on 20th July, which vessel went away on the 25th. . . . Of the blockade of North Carolina, I can only say that it has scarcely existed at all. . . . Schooners and brigs have arrived from and sail for the West Indies, with cargoes, ever since the nominal commencement of the blockade."

Now we have got to the end of September. This is what Commodore Dunlop says. He writes to Admiral Milne on the 26th of September that there were no cruisers off Savannah. And Commander Hewett, on the 12th September, reported to the Admiral that the coast from Cape Look-out to Cape Clear was not efficiently blockaded, and that there were no cruisers at Beaufort. Then we come to October; and Mr. Fullarton, writing on October 11th, makes the following remarkable statement:—

"Since the beginning of September the blockade of this port has been less strictly maintained than at any period since its commencement. Interruptions of the blockade have lately been very

frequent, during which the entrance to the river was left quite unobstructed; they occurred as follows:—From the 8th to the 14th September, from the 15th or 16th to the 23rd September, and from the 29th September to the 4th October. Since the latter date another intermission took place of about two days' duration."

He says again—

"The blockade of the coast to the south of this has all along been maintained in a very ineffective manner, and at the present moment as much so as ever. The vessels employed are too few in number; they merely cruise up and down, visiting for a day or two at a time one harbour after another. The consequence has been that many vessels run in and out, to and from various points on the coast, without seeing a blockading vessel. . . . Another proof of the inefficiency of the blockade of the coast consists in the fact that since the commencement of the blockade the line of steamers between this city and the St. John's River, Florida, has kept up an uninterrupted communication."

Now, Sir, we have got down to October, and Commander Lyons in December reports the inefficiency of the blockade at Charleston, Wilmington, and elsewhere. And so all through the reports quoted by Lord Russell. Here the papers end. I have no further official information; but I can tell you from private information, that on the 9th February, some English vessels sailed out from Charleston harbour, and not only that, but a large steamer, whose name I will not mention, left Wilmington on the 5th of the month, laden with cotton and spirits of turpentine perfectly unmolested, and the pilot stated that there was not the slightest sign of a blockading vessel. These facts, I think, Sir, prove the inefficiency and intermission of the blockade from May 28th to the present time. What can be stronger than the City Articles which have appeared in *The Times*? In one of those articles of Friday the 21st ult. is this—

"It is said that insurances are being effected daily on ships and cargoes about to run the blockade of the Southern ports. The highest premium paid is fifteen guineas, the ship being entitled to select any port. In some instances the risk to a single port of easy access has been as low as ten guineas. Nearly all the vessels so insured are steamers of about 1,500 tons burden."

On the following day *The Times* states that similar insurances were being effected in France and other countries. And now, Sir, it is scarcely necessary that I should quote the New York press. It is quite sufficient to say, that if you read them, you will see that they complain loudly and indignantly of the inefficiency and illegality of the blockade. I do not say it

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is in the least degree for the purpose of aiding England in breaking the blockade, or for giving any comfort to the Southern ports, but I have no doubt they have friends who are anxious to place their ships out, and that they wish the Government to purchase them with the view of increasing the number of ships and making the blockade efficient. But the fact remains that, from whatever motive, the New York press does loudly complain of the inefficiency of the blockade. Have you not a practical confession on the part of the Northern States themselves of the utter inefficiency of this blockade? For have you not heard of those stone fleets sent to dam up and to destroy the ports of the South? I remember reading with horror and disgust an article which appeared in one of the American papers, which was greatly praised at the time, which stated that for the future so many hundred leagues of coast would be without a port, and spoke of Charleston and Savannah and Wilmington, once the scenes of business and bustle, as doomed to utter desolation, so that the very sites of them would be matter of conjecture to future historians. If the blockade was not a fiction, would the Northern Government have resorted to this barbarous and abominable system. A more barbarous or a more disgraceful action was never before committed by a nation making any claim to civilization. Even an American paper characterized it as "an act of barbarity unparalleled in the history of civilization," and as an endeavour to undo what Columbus had done—to shut up from mankind the ports which that great discoverer had opened, and to destroy, by artificial impediments, those great natural harbours which were intended for the benefit of mankind. It is a crime against humanity, and is all the more barbarous and disgraceful, as it is the emanation of a nation which boasts of its enlightenment. I will read to the House a paragraph upon this subject, because it is so eloquent and true, it is besides so applicable to the case, that I wish to enforce my argument by it. The following extract was from *The Times*:—

"The Federal Government itself has emphatically admitted the failure of their naval blockade by an act of barbarity which is unparalleled in the history of national wars. They have actually endeavoured to undo what Columbus had done—to shut up from mankind for ever the ports which the great discoverer opened to the human race, and to destroy by artificial impediments the gates by which men of all nations enter and pass out



of some millions of fertile and productive lands. This is a crime against all human kind. If it does not call down universal execration and arouse general opposition, it is only because the enterprise is believed to be as impossible as its design is execrable."

Nor is this English opinion alone. There has been an expression of opinion on this subject from the other side of the water, which will perhaps be more listened to in America than in England. Here is the opinion of M. Casimir Perier, and I make no apology for reading it in the original, lest I should dilute the power of the words by endeavouring to give a translation—

"Plus condamnable encore est l'obstruction des ports, car ce n'est pas seulement la génération présente, ce sont les générations futures qu'on prive de leur patrimoine. Les ports, les fleuves, que Dieu a donnés à l'univers pour faciliter les communications et les échanges, sont un dépôt sacré fait à l'humanité toute entière, et que nul ne peut aliéner sans crime."

I will not now allude to Mr. Seward's evasions upon this question; it is sufficient to say that the evasions were worthy of the man and of the cause. I only ask whether, if war should unhappily arise between this and any other country, do you believe, for a single moment, that the laxity and irregularities that we have tolerated in the interest of the Northern States, and which will be encouraged by the letter of the noble Earl, will be acquiesced in for one moment by the United States? England's emergency will, you may rely upon it, be America's opportunity. All I ask is this, that we should act with the strictest justice by the United States—with justice, and nothing more—for we owe that Government scant courtesy. That we should act with strict justice, that we should bind them down to the strictest adherence to international law, is perfectly clear from the whole course of their procedure from the commencement of the war to the present time. At the very commencement of the war we found Mr. Seward declaring his intention to seize in Canadian waters a British vessel suspected of being about to be fitted out as a privateer. He said he should seize it, and if he found he was mistaken, he would make reparation. It turned out after all that this identical vessel had been privately bought for the American Government. Next he takes four American citizens off a British vessel proceeding from one neutral port to another neutral port; and though he subsequently gave them up, confessedly be-

cause it was discovered to be an illegal capture, he declared at the same time, that if their persons had been of sufficient importance to the Northern Government, they would have been retained in defiance of the law. What was the course pursued in New Granada? He seized two persons within the territory of that neutral State. Perhaps the persons seized were of importance to the Northern Government, for although New Granada had protested against this flagrant violation of her soil, no redress had been vouchsafed. Then we find further that Mr. Seward says the United States are not prepared to acknowledge the otherwise universally acknowledged principle of international law, that the intermission of a blockade destroys its efficiency, just because it did not suit their convenience. And yet this Minister, so lax, so unscrupulous, so lawless of the rights of others, looks with the eye of an eagle and a serpent into the actions of other people. Consul Bunch was required by Her Majesty's Government, acting along with France, to make representations to the States Government to endeavour to get them to adhere to the humane articles of the Declaration of Paris; and although Mr. Bunch did but obey the instructions of his Government, and although these representations were made for the sake of the Americans themselves, and to spare them the horrors of war, so punctilious was Mr. Seward that he withdrew the *exequatur* of the United States from Consul Bunch, but did not withdraw the *exequatur* from the French Consul. So true it was, as he had stated at the commencement of his speech, that the people and Government of the United States knew well that it was not prudent to trifle with France, however prudent it might be to trifle with and insult England. And when these statements reach the Confederate States, will they not be read with astonishment, sorrow, and indignation? And when the Confederate States see that you tolerate such treatment, what can they think but that you are conniving at the designs of the North? I have been in every part of the Southern States, and I can say with truth that throughout them I have found the deepest attachment to the old country. There still remain among them ancestral and hereditary recollections of England. I can say with truth, and I know there are other hon. Members who can say the same, that the name of Englishman is a passport, not only to the

House, but to the heart of the greater portion of the Southerners. If the South be not subjugated, if they do not fail to maintain their independence, which, I most unhesitatingly affirm they will not, yet events may arise, and I believe will arise, which will make England deeply regret the course she has pursued, which will leave her without one friend on the continent of North America. Hon. Members may have seen in old drawings representations of an ancient hero listening to the earnest suggestions of two mythological personages of the female sex. England appears to me to be at present very much in that position. In one ear I hear whispered in Northern accents, "Is it wise or manly to pick a fresh quarrel with a State that has behaved very handsomely to you, even at the risk of alienating the confidence of the people from whom all their power comes? Bear with us for a little longer, and we will open a cotton port in the Southern States, and the loyal men of the South will come down, and ships shall cross over the broad billows laden with cotton, and Manchester and Liverpool shall rejoice." "And," says the same voice, "if you do not bear with us, consider the cost of a war; reflect on the expenditure which a quarrel between the North and yourselves would impose; that burden would be infinitely heavier than those that are now imposed upon you by your privation of cotton. Bear with us a little longer, for the sake of the cotton cultivation in India, and we shall be able to put down the slaveholder and the slave cultivation of cotton in the South. Remember what your leading journal says—that England, of all nations, is the nation that ought to be the least disposed to infringe upon the law of blockade; and if you close your eyes to our irregularities, laxities, and illegalities, and the time should come when you are the offender, then we will close one eye to similar peccadilloes on your part." But to the other ear I hear a Southern voice saying, "You have pledged yourselves to impartiality and neutrality. The promise of a cotton port has been given you; but where are the loyal Union men of the South, and where are the bales of cotton you are asking for? If you are involved in the quarrel, let it be a quarrel in vindication of law and of right. But depend upon it there will be no quarrel, because, with France and the rest of Europe on your side, resistance is impossible. As for your cotton cultivation in India, remember that

2,000,000 of bales are necessary for the manufacturing districts next year, and you cannot get that amount, or anything like it, from the interior of India to the coast."

I believe, indeed, that my hon. Friend the Member for Manchester has stated that it would take 5,000,000 bullocks and 1,000,000 of attendants to bring down that quantity, even if it were attainable, to the port of embarkation. "With us," the same voice urges; "you have open ports, free trade, no differential duties on foreign ships. Heed not the argument that England has an interest in winking at a violation of the law, because England is the greatest commercial country in the world, her fleets cover every sea, her merchantmen penetrate every port where a market is established; and England, moreover, is one of the few countries in the world whose powerful steam marine enables her, if belligerent, to keep up an efficient blockade, and to comply with all the formalities connected with international law." It is not into the ears of England alone that these whispers are poured. The Northern voice says to France, "Are you oblivious of the hereditary attachment between France and the United States? Whatever we may have done to others, we never acted an unworthy part by you." The Southern voice says, "Have not the wine-growers of France, the people of the Faubourgs, and the people of Alsace, an interest in putting a stop to this system of protection which will from henceforth prevent all foreign goods from entering the American provinces?" In conclusion, I can only assure the House that my views are in no degree extreme; I have not intimated any wish to abolish blockades. Being a lover of peace, I am of opinion that the more intolerable war is made the less likelihood exists of its being resorted to. If it be sought to bring hostilities to an early termination, war ought to be waged in such a manner that any nation which has tasted its bitterness will be slow to anger and easily entreated. But this country has accepted the Declaration of Paris, and I sincerely hope the House of Commons would not allow its character to be tarnished by any evasion of it. The attitude of England ought to be that of a beacon to the world, but if we are now acting, not in conformity with law, but merely with a wish to conciliate and to propitiate the United States, we are playing the part of wreckers; we are holding out false lights to allure people to destruc-



tion. I can only say that if Her Majesty's Government are not able—I hope they will be able—to give a complete explanation of all that has been said, and all that will be said, I must pronounce the declaration of Paris to be, as regards the Confederate States, a mockery; as regards the interpretation of international law, a delusion; and, as regards the trade and commerce of the world, nothing better than a snare.

#### Amendment proposed,

“To leave out from the word ‘That’ to the end of the Question, in order to add the words ‘an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of any Correspondence relative to the Blockade of the Ports of the Confederate States of America, subsequent to the Papers presented to this House.’”

—instead thereof.

MR. BENTINCK, in seconding the Motion said, that if he proposed to confine himself to the topic which had just been so ably put before the House, he should not feel it necessary to add a single word; but there was another question besides that of the validity of the blockade, to be disposed of—namely, the question of the recognition by this country of the independence of the Southern States of America. Before, however, adverting to that part of the discussion, he wished to disencumber the subject from one element, the introduction of which would produce extreme inconvenience. He alluded to the question of the abolition of slavery. The Northern and the Southern States stood in precisely the same position with regard to this institution—there was nothing to choose between them. It was perfectly true that the institution of slavery dominated in the South, but the North had been perfectly concurrent parties. Then how did this country stand in relation to the matter; and what would be the effect of introducing the question of slavery into the discussion before the House? Going back to the time when large sums were voted as compensation to slave owners, it should be borne in mind that there were in this country persons who had received great sums for emancipating their slaves. Did any reproach now attach to the recipients of those sums? What was the fact as to slave-grown sugar? What was the conduct of this country recently, and what was the answer of this House when an appeal was made to it, not long ago, to impose differential duties upon slave-grown sugar? The answer was, that they preferred the

maintenance of the new doctrine of free trade to the abolition of slavery. What had been the conduct of this country throughout? When they were annually receiving large quantities of slave-produced cotton from the Southern States, was any objection raised on the ground that it was the produce of slave labour? He had never heard such an objection raised. Putting for a moment a hypothetical case, he would ask what would be the decision of this House and this country if a reconciliation were effected between the Northern and the Southern States, with the distinct understanding that slavery, as an institution, should remain unimpaired. He felt persuaded that this country would be contented to resume commercial operations upon the same footing as before. He wished to ask those gentlemen of the commercial interest, who stood silent formerly on the subject of slavery, and who might now seek to introduce the question of slavery into the discussion, in what position they stood? Why, as long as slavery had been profitable to them they were willing to make use of slave-grown cotton and remain silent on the matter, but as soon as cotton was to be had elsewhere than in the Southern States of America, they wanted to create a feeling in the House for the Northern States—that when they could do so without injury to their own pockets they were willing to raise a discussion on the horrors of slavery. In making that observation he did not wish it to be supposed that he was the advocate of slavery; he loathed it; and would support any proposition for its abolition. But let the question be approached by those who could touch it with clean hands. The introduction of the slavery element, then, would be the height of hypocrisy and absurdity. In his opinion, the hon. Mover (Mr. Gregory) had clearly made out that the blockade was null and void; and the two questions of the efficiency of the blockade and the recognition of the independence of the Southern States were so closely connected that they could not be discussed apart. It was perfectly hopeless to expect within any given time that the conflict in North America would cease. The North was only entering upon its difficulties, and the power for defence by the South was unlimited. The only prospect of the war closing was to be found in the recognition of the Southern States by this country and the European Powers. That any number of vic-

tories would ever bring back the latter to a reunion with the Northern States, he held to be an impossibility. He would next ask what complaint could be made by the North if her Majesty's Government thought fit to acknowledge the independence of the South? Why, what was the origin of the United States themselves? Successful secession from this country. And what was the very first act of independence? An act of repudiation. Some gentlemen might say, that the United States rebelled against the tyranny of this country; but, in reality, they rebelled against the taxation imposed by this country. That was exactly what the Southern States were doing now in respect to the North. The noble Earl at the head of the Foreign Affairs of this country—who, in his eloquence, had always been given to a somewhat magniloquent tone—had stated that the Northerners were fighting for empire and the Southerners for independence. On the ground that they were fighting for independence, the Southerners had his sympathy; but he ventured to think that the Northerners were fighting for dollars, and nothing else. They heard a great deal of “the stars and stripes.” He could not help thinking that if the stars were rounded off and made into dollars, they would represent the feelings of the North very much better than they did in their present shape. What right had the Northern States to claim the allegiance of the South? What was the meaning of republican institutions? If republicanism meant anything, it meant that any individual member of the Republic, if he had the means, could set up independently on his own account. He was therefore at a loss to understand how the Northern States, themselves the result of a successful rebellion against this country, could have the slightest ground for complaining of or stigmatizing men who wished to withdraw from them. But was the course pursued by Her Majesty's Government in accordance with the opinions they had before held under somewhat similar circumstances? The Government appeared to him to be acting, with regard to America, in a spirit totally opposed to that which marked their conduct towards Italy. The noble Earl, the Foreign Secretary, in one despatch recognised the right of the Italian people to elect their own governors, as they were the best judges of their own interests. Might not the Southern States

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put in a similar claim? The noble Earl, who often quoted *Vattel*, produced his authority to show that it was an act of justice and humanity to assist brave men in defence of their liberties, and he (Mr. Bentinck) insisted that there was no distinction to be drawn between the people of the Southern States of America and the Italians in this respect. Where was the distinction between the condition of the Southern States and the principle so highly eulogized by the noble Earl, and applied to the Italian States? The noble Earl (Earl Russell) said in the case of the Italian revolution that the people were the best judges, and that Her Majesty's Government would not feel themselves justified in declaring that the subjects of the King of the Two Sicilies were not justified in throwing off their allegiance. If the Government acted on this principle in one case, they were bound also to carry it out in all similar cases. The noble Lord said that he could not concur in the doctrine once affirmed by the University of Cambridge which gave to the Sovereign an inherent right to reign. He held, on the contrary, that subjects had a right to rise against a monarch who did not give them protection, and had rightly forfeited their allegiance. If that principle were applicable to the subjects of a monarchy, surely it was applicable *à fortiori* to those who lived under republican institutions. If the subjects of a monarchy could set up another form of government, were those of a republic to be debarred from the same liberty, and to be forbidden to choose their own form of government? It appeared to him that Her Majesty's Government had no ground whatever for refusing to recognise the Confederacy of the Southern States. What principle animated the Government in dealing with this question? Was their conduct regulated by a wish to uphold free institutions? If that were so, all he could say was that it had been clearly demonstrated within the last few months that freedom was not compatible with republicanism. There was nothing so odious, so galling, so tyrannical, or so unbearable as the tyranny of a democracy. There was one remarkable difference between the tyranny of the autocrat and the tyranny of the democrat. Take the case of France and the States of North America, for instance. In France a man could live quietly in possession of his property provided he did not give public utterance to opinions hostile to the Government. But in



the Northern States of America a man suspected of holding opinions adverse to the popular voice stood a good chance of being tarred and feathered. The Government of the King of the Two Sicilies committed atrocities under a despotism; but everything that was unconstitutional and tyrannical was perpetrated in North America under the name of free institutions. There the liberty of the press had been restricted, the *Habeas Corpus* Act suspended, and all the safeguards of liberty removed. They had established a tariff of duties not only protective but prohibitive. Was that their claim upon the friendship of Her Majesty's Government? Tell it not in Birmingham—tell it not in Ashton, or in that portion of Downing-street which was devoted to frittering away the financial resources of the country—the Northern States had imposed a duty on paper! Was that their claim on the consideration of Her Majesty's Government? Was the endless corruption in every public department in the Northern States the ground for the friendship and partiality of Ministers? He was surprised to hear the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) say, on the first night of the Session, that the statesmen of America had had great difficulties to contend against, and that they had got out of them in a manner creditable to themselves. He (Mr. Bentinck) admitted those difficulties; but if the right hon. Gentleman were present, he would ask him, when he spoke of the creditable conduct of American statesmen, whether he recollected, that although every jurist of the United States admitted that the capture of the Confederate Commissioners was illegal, they were held for several weeks in durance and were only released by the Northern States under compulsion; and also, whether he remembered the remarkable passage in Mr. Seward's despatch, in which, while acknowledging the injustice of the capture, he said that if they had found it convenient to detain the Commissioners, they would have done so? He trusted that the right hon. Gentleman would tell the House the reasons he had for eulogizing the conduct of American statesmen. He (Mr. Bentinck) wanted to know whether, upon any of the grounds to which he had adverted, her Majesty's Government thought themselves justified in extending to the Northern States a partiality which they were not prepared to show towards the Italian kingdom.

Was it not the case that the non-recognition of the Southern States, and the consequent disarrangement of commerce, was a great source of inconvenience to the manufacturing interests of this country? Was it not the case that a large amount of distress existed in consequence amongst a large number of our artisans? Her Majesty's Government belonged to a party who arrogated to themselves the title of "friends of the people." They called themselves "Liberals." He confessed he never could understand what that word really meant. But he wanted to know how it happened—seeing that, owing to a combination of circumstances, it was the interest of capital that cotton should not be introduced, and of labour that it should be introduced—he wanted to know why Her Majesty's Government, who called themselves the friends of the people, should side with the objects of capital and not with the cause of labour? He contended that they were doing that which was entailing a vast amount of distress upon a large and suffering portion of the population. The House would, no doubt, be told, that if the Government were to recognise the Southern States of America, a war with the Northern States would immediately ensue. He held the strongest conviction that no such result would take place, and the best proof of that was to be found in the manner in which the Federal Government treated the question of the surrender of the Confederate Commissioners. There was no use in denying the fact, if Her Majesty's Government had not accompanied that demand for redress with the presence of "the man with the big stick and violent gesticulation," the persons seized would never have been restored; and his proof of that was to be found in the celebrated despatch in which they were distinctly told that if it had been convenient, in spite of law and in spite of right, Messrs. Mason and Slidell would have been retained. He felt satisfied there would never be a war between this country and America until the Northern States believed it to be their interest to go to war, and they would go to war with England the very moment they thought themselves strong enough to do so. In conclusion, he begged the House to understand that his object in making this statement was, not to debate the question at issue, but rather to invite her Majesty's Government to offer some explanation why, according to the policy

which they had pursued with respect to Italian affairs, they had abstained from recognising the independence of the Southern States?

MR. W. E. FORSTER: Sir, I do not rise for the purpose of following the remarks and arguments of the hon. Gentleman who has just sat down, because I cannot but think that the speech he has made was prepared for delivery on the occasion of the Motion of which my hon. Friend the Member for Galway (Mr. Gregory) gave notice last year, rather than for the Motion which he has brought forward to night. But, before any Member of Her Majesty's Government replies to the charges which my hon. Friend has made, I trust the House will allow me a short time for taking a very different view of the facts to that which has been presented to them. This question with regard to the American blockade must be considered as a question of law and as a question of fact. The legal question I shall not attempt to meddle with, but leave it for some Member of Her Majesty's Government, from whom the House may expect explanations. I fully agree with the hon. Member for Galway, that if it can be proved that the blockade, according to international law, and especially according to our interpretation of international law, is illegal, either because it is not effective or from any other cause, then it would be a breach of neutrality for us to advocate its continuance. I quite agree that if it could be proved that, according to the interpretation of international law as between us and the United States in times past, the present blockade is not a legal one, then the Southern States have a right to say that we are infringing the principle of neutrality. But if it cannot be proved that, according to strict international law, the blockade is illegal, then to break it would be a still greater breach of neutrality, because an act of commission requires more care in its performance than an act of omission. As to what constitutes a legal and efficient blockade, I am not the person to decide—that I leave to the legal advisers of the Government; just premising, that when my hon. Friend takes it for granted that the United States are bound by the letter of the Treaty of Paris, I demur, inasmuch as they were no parties to that treaty. But I do not wish it to be supposed that they were not bound by the

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principles of that treaty as to blockades, because they have asserted and maintained those principles in times past. I say "the letter of the treaty as to blockades," because my hon. Friend laid great stress on the particular passage, "really to prevent access to the coast of the enemy." Now, if blockades are to be interpreted in future by all the Powers who signed that treaty strictly by these words, then there is an end of all blockades. I am contented to take the definition of the noble Lord at the head of the Foreign Office in the despatch with which the papers on the blockade conclude, leaving the right hon. Gentleman who follows me to deal with the legality of his definition. The noble Lord (the Foreign Secretary) says, the blockade is effective if it is duly notified, if there be no permission to any special ships to depart—no undue preference; and if the blockading force is sufficient to prevent access to the port blockaded, or to create an evident danger of entering or leaving it. And he adds—

"The fact that various ships may have successfully escaped through it (as in the particular instances here referred to) will not of itself prevent the blockade from being an effective one by international law."

I understand the definition of the noble Lord to be, that the blockade is to be a real and not a paper or sham blockade. I now come to the question of fact. Have the conditions, thus laid down, been fulfilled or not? In the first place, the notification is not doubted. My hon. Friend laid a great deal of stress on the general order which it is said was issued by the captain of the *Niagara* in the very beginning of the attempt to enforce the blockade. I do not dispute that order, though it has not been confirmed by Lord Lyons [or by any advices from our own Consuls. But, whether it be confirmed or not, it is at all events stated that the United States Government never attempted, and never intended, to act upon it. In no single case have they done so. In the case of every port they have made a special proclamation, and given special notification when the blockade was to begin and when the fifteen days where to expire during which neutral foreign vessels were to be allowed to pass. Then undue preference is not charged. Therefore the argument, whether this blockade is effective or not, is really made to depend



upon the number of escapes. I hope the House will allow me for a short time to go into the figures. My hon. Friend mentioned a list, but he passed very gingerly over it. I expected to have heard more of it; because, before Parliament met, we were told that a list of 600 vessels which had escaped, notwithstanding the blockade was in the hands of some gentlemen, and my hon. Friend the Member for Sunderland, it was understood, was to give us information with regard to this list. Well, I suppose he has found out that this information is not altogether to be depended upon, and therefore he has not brought it forward. But still the hon. Member for Galway did say that, throwing aside ships from the interior, there were still nearly 400 vessels of which information existed that they had run the blockade from its commencement to the end of October. Now, that agrees with two lists which we find by the despatches have been furnished to the Government; namely, one sent in by Messrs. Yancey, Rost, and Mann, the Confederate Commissioners, on November 30, and a supplementary list sent in by Mr. Mason. Now, I have taken the trouble of analysing these lists, and if the House will allow me, I will give the result. I will take the departures as the test, because it is certain that we should be more anxious to get cotton than to export contraband of war. In the list of Messrs. Yancey, Rost, and Mann, given in on November 30, they say, that between "the proclamation of the blockade and the 20th of August more than 400 vessels had arrived and departed unmolested; thereby giving conclusive evidence that this blockade was not effective, and therefore was not binding." Passing by several eloquent comments on this inefficiency, I find that the total departures, according to the clearances by the Custom-house Returns, was 322. Of that number 119 were before the declaration of the blockade; 75 were from New Orleans before May 27, the day on which, we learn from Consul Mure, was notified the blockade of that port; 44 were from Wilmington before July 13, when that port was notified by Commodore Pendergrast; and 56 were foreign vessels, which left before the fifteen days of grace had expired. I do not blame the collectors for sending in these returns. They were ordered to do so. But I do think it extraordinary that the Commissioners should have given in a list in which, in one case, 119 vessels

were given, and 56 in another, as having broken the blockade, when all these vessels had left before the blockade was enforced. It is the more extraordinary, because, looking especially at the list of those 56 vessels, if they had been real breaches they would have been most important breaches, because a very large number of them were large vessels that sailed from New Orleans and Mobile to Europe, and chiefly to Liverpool; and if it had been shown that they had really broken the blockade, I should have admitted that there were grounds for blaming our Government for assenting to its legality. But the fact was, every one of these 56 vessels came out during the fifteen days in which time was given for them to escape; and the very paper which contains this list contains a congratulation from our consul at Mobile that these very vessels had been able to get out before the blockade came into force. Adding these numbers together, we have, out of the 322 vessels, only 147 left. Of these, 25 were river boats, chiefly flat boats coming from the interior to New Orleans to be broken up. Not much is said about them. I will give Mr. Mason credit that when he again handed in the Commissioners' list he refused to take account of them. But in the list, as first handed in by Messrs. Yancey, Rost, and Mann, no allowance was made for the river boats, it no doubt being expected that the list would pass without examination. Thus, I have reduced the 322 to 122. Of these, 106 were coasters, and of these 106, all but three are what Mr. Mason in his despatch, "wishing to be frank," called "quasi inland;" 66 of them went between Mobile and New Orleans, and I am informed by several gentlemen who have visited that coast that it is perfectly absurd to suppose that the voyage of a vessel behind lagoons, and scarcely appearing in the open sea, was a breach of the blockade. The same remark applies to vessels between Savannah and Charleston, where they have to creep behind islands. In fact, Mr. Bunch himself acknowledged that these vessels did not make their appearance in the open sea, except for a very short time. Then, taking off from the 122 these 106 coasters, that leaves 16 departures for foreign ports, of which 15 were to American ports, chiefly to Cuba, all schooners except one sloop, and only one departure for Europe—namely, a schooner from Charleston to Liverpool.

Now, we have heard a great deal of sham blockades, but I appeal to the House whether this is not a sham list. Again, looking at Mr. Mason's supplementary list, it gives 51 departures to the end of October. Of these 5 are from Port Lavaca, in Texas, and this small number proves the efficiency of the blockade, inasmuch as they are all before May 17, and therefore before the declaration of the blockade; thus showing that though there was a foreign trade before the blockade, there has been none since. This leaves 46, of which 27 are quasi-inland vessels, leaving only 19. Of these one was a privateer; three were small coasters from Wilmington, 14 were small vessels for American ports, and only one for Europe. It was the steamer *Bermuda*. I allude especially to this steamer, because we must not suppose the blockade is ineffective from the stories we have heard of escapes. It has been so extraordinary for vessels to get out, that escapes have been talked of in the newspapers of America, North and South, and we heard of them over and over again. If you look at the account of the escape of *Bermuda*, you will find that it was managed under circumstances of great difficulty. Consul Molyneux, of Savannah, describes how she got out on a dark and stormy night. But surely, if we are to declare a blockade ineffective because a screw steamer gets out on a dark and stormy night, then my hon. Friend the Member for Rochdale (Mr. Cobden) need not trouble himself with attempts to relax the international law. Then, again, as to the *Nashville*. If you look at No. 6 of the Parliamentary Papers, you will see a deposition of one of the crew of the *Nashville*, describing how she remained three weeks unable to get out, and sending a small steamer down daily to see whether the way was clear; and how, at last, the Commissioners left by another route. The fact is, those gentlemen, the Southern Commissioners, found the blockade so effective that they gave up attempting to leave by the *Nashville*, and consequently had a more unpleasant voyage than they might otherwise have had. My hon. Friend has alluded to the escapes made by one or two privateers. Now, I have analysed the list of escapes through this blockade; and let me compare it with another list—the list of escapes of American privateers during the last American war. It is true we have

in times past occasionally reverted to a fictitious and paper blockade, and that a great feeling has been excited in Europe upon account of our having done so; although, I confess, I was surprised to hear my hon. Friend quote the remarks made on this subject by a writer so excessively hostile to us as M. d'Hautefeuille. But whatever may have been our practice in past times, there is no doubt that the blockade which we enforced during the last American war was as efficient as we could make it, and probably as efficient as we could ever make it. We had every reason to make it effective, for the inhabitants of these islands were humiliated to an extent never before known, by American privateers being enabled to come close to our own shores. Yet, notwithstanding all this, I find that in less than three years no fewer than 516 privateers got out of the American ports. I say, then, judging the case from the evidence produced by those most interested in persuading us that we ought to take steps to break the blockade, that this blockade has been wonderfully effective from the beginning. And what is the nature of the blockade at this moment, if we may judge by the last accounts? There is no question that our Consuls have done their duty in reporting any, the least signs, of inefficiency; and they have looked at it, as it was natural they should, from the neutral, rather than from the belligerent point of view. Nevertheless, if we look along the whole length of the blockaded coast, and take the last accounts, as furnished by our Consuls and naval officers, we shall find that the blockade is much more effective than the House has had any reason to expect from the statements of my hon. Friend. I will begin with Galveston, and in every case I will take the latest statements. On the 19th of October, Mr. Lynn, our Consul at Galveston, wrote to Lord John Russell that the blockade was effective for all vessels of more than six feet draught. On the 22nd, Acting Consul Coppel wrote that as to New Orleans ingress or egress was almost impossible; and that since the 14th of June he had not heard of any vessels leaving except the Confederate steamer *Sumter*. My hon. Friend did not, indeed, dwell upon New Orleans, although it is the most important of all the ports, and though more than one-half of his list of 400 vessels are reported to have come from New Orleans. Again, on



the 28th of December, Commander Ross stated that "from Galveston to Florida the blockade is actively maintained." Then we come to Savannah. It is true Mr. Molyneux writes on the 26th of November that for a few days the blockade was ineffective on account of the Federal officers taking all their force to Port Royal. But that circumstance does not give us the power to declare the blockade ineffective, or the right to break it; but it does give us the right to state, that if captures were made of English vessels during that time, there would then be a question whether the American Government would be justified in detaining them. But, it must be observed, that in the same letter Mr. Molyneux adds that "the proximity of Port Royal and the occupation of Tybe Island will effectually blockade Savannah in future." Then Mr. Molyneux shows that the river would be effectively blockaded in future. The next port is Charleston. From Charleston the last accounts I have are to the 19th of December. Although Consul Bunch in July declared the blockade ineffective for small vessels, allowing it to be effective for large ones, at that time Commander Lyons said it was effective both for Savannah and Charleston; and on the 19th of December he writes that the force was sufficient at Charleston and Wilmington; though he adds that, through want of vigilance on the part of the naval officers, the blockade was not so effective as it should be. But surely that was not a ground on which Her Majesty's Government should attempt to break a blockade which had been duly notified, and which was maintained, not by cruisers, as my hon. Friend has asserted, but by stationary vessels? I have now gone through the evidence, as far as we find it in the despatches, with regard to the effectiveness of the blockade; but I cannot disregard the fact, which is so patent to us all, though my hon. Friend passed over it so gingerly, of the enormous inducements there are at this time to break the blockade—that is, to open trade with the Confederate ports, and yet that trade continues closed. I have here the last price current from New Orleans; and it is another proof of the effectiveness of the blockade—that it so enormously difficult to get price-currents or letters, or anything else from New Orleans. I find that the price of cotton at New Orleans on the 11th of January was such as would leave a profit

of fully 100 per cent upon its export to Great Britain; yet, notwithstanding this enormous profit, cotton has not come here either from New Orleans or from Charleston. I am aware it is stated that cotton is not sent down to the ports, and that therefore vessels will not go for it. All I can say is, that what I know of trade convinces me that if there was anything like a certainty of 100 per cent profit to be obtained, nothing but the very greatest possible risk would prevent the attempt being made to break the blockade. Cotton, however, is only one article upon which there is a great profit. The profit upon salt is stated to be no less than 1,000 per cent, and the profit upon contraband of war is probably still greater. But the real truth, and the real reason why we have had these statements from my hon. Friend to night is, not because the blockade is ineffective, but because it is effective; and, indeed, we are asked to break it because, in consequence of its effectiveness, there is great distress and misery in parts of our own country. I do not deny the existence of this distress. My hon. Friend did not dwell upon it one whit more than he was justified in doing. The distress is very great, and I fear it will be still greater. It is considerable in my own district, though, thanks to a beneficent legislation, less so than might otherwise have been the case. Still, cotton mingles largely with the manufactures of the district which I represent, and probably a third of its trade was with America. I can therefore easily conceive what must be the state of Lancashire. But, I must ask, who is it that wishes the blockade to be broken? Are they persons connected with the districts most interested in the question? On the contrary, the cry comes not from Lancashire; not from Manchester, where mills are shut; or from Liverpool, where ships are lying idle; but from the hon. Gentleman the Member for Galway (Mr. Gregory), and it is supported by the hon. Gentleman the Member for West Norfolk (Mr. Bentinck). I do not blame them for the course they have taken, but I cannot but think they have looked at the question not so much from an English as from an American point of view. In the first place, we should not have been asked to break this blockade if it had not been for distress in England; and secondly, the existence of this distress would not have been given as a reason for breaking the blockade if it

were not supposed that its breach would be an enormous advantage to the Southern States. I do not mean to say that upon the first blush it might not appear to be the interest of the manufacturing districts that the blockade should be broken. But the manufacturing districts do not themselves think so. They are opposed to the breaking of international law, to the great credit of all concerned. I think I know something of the working people of the North, as well as of the capitalists of the North; and I am sure the feeling is quite as strong among the working men as it is among the capitalists, that we ought not to transgress international law even for their interests' sake. They deserve very great credit for the way in which they are bearing their privations; but they very much doubt whether by any breach of international law their interests would be really advanced. They believe that no step would be so likely as that of interference on the part of this country to embitter and prolong the present unhappy war. I think that the history of the steps taken with regard to this matter are curious, not to say instructive. I confess I thought when we met after the recess that my hon. Friend would have renewed his Motion for the recognition of the Southern States; and I quite understand why the hon. Gentleman who followed him seemed so much surprised that he has not. I confess, too, that I was especially surprised to hear my hon. Friend state that he had last year given up the notion of prosecuting that Motion, because he had hoped to prevent the war, when I remember that he persevered in it till almost the end of the Session, when the war was in full force, and there was as little doubt of its being affected by anything that passed in this House as there is at this moment. I believe, however, that the real difficulty which my hon. Friend felt was as to the support his Motion would obtain for recognition. I felt that after a very high authority—the highest authority on the other side of the House—had used a most pertinent expression, describing the South as an “Insurrectionary Power,” it would be impossible for my hon. Friend to obtain sufficient support to make it worth his while to bring the question forward in the form of a premature recognition of the South. And therefore, instead of that, we have the question of the blockade before us;

*Mr. W. E. Forster*

and I have a doubt whether even that would have been brought before us if he had been aware that the interests most concerned were not anxious for it. I am sure that the one thing the country wishes for in this matter is, that we should go on through the whole course of this civil war as we have begun—in determined adherence to a policy of strict neutrality. I will not, with the hon. Gentleman opposite, give reasons why I hold this view; but I will say that when he attempts to define what must be the feelings of the inhabitants of a Democratic Republic, I think he is hardly in a position to do so. Whether they are merely ambitious for empire, and blind to the disasters and defeats of which they were warned, or whether they are patriotically struggling for the country which they love, and of which they are proud, and displaying those qualities of Anglo-Saxon perseverance and endurance which they inherited from us, I need not decide. But before sitting down, I must say that no facts have been produced to warrant the Government in breaking the blockade, or in departing from the wise course of non-interference which they have hitherto pursued. I cannot but express my gratitude for the line of conduct adopted by the Government. The firmness with which they have protected the honour of the country, and the forbearance and generosity with which they have acted under circumstances of no slight provocation, I fully acknowledge; believing, as I do, that this union of firmness and forbearance has been the means of preventing a more deplorable war than almost any other in which England could have been engaged—a war in which she would have had to fight for slavery against her kinsmen. I hope that no material interests will induce the Government to depart from their principle of strict neutrality, and I feel confident that those who suffer most in their private interests are least desirous to see any relaxation of a policy which is only just and fair, and at the same time most prudent and expedient. Whatever may be the result of the war in America—whether the union be restored or two commonwealths established—the people on the other side of the Atlantic, when the humiliation and distress of their own troubles which now make them utter harsh and undeserved strictures, have passed away, will acknowledge that we have done unto them as we would that they should do unto us, and that we have



not attempted what we ourselves, in all our history have never suffered—namely, the interference of other nations in our internal affairs.

SIR JAMES FERGUSSON thought, that infinite credit was due to the hon. Member for Galway (Mr. Gregory) for having abstained from enlarging upon those claims to sympathy which the Southern States might present, and for having confined himself to the main point for discussion—whether there was sufficient ground or not for interference with the blockade of the Southern ports. Irritating discussions upon the internal affairs of the United States could produce no good results; whose people, no doubt, held different opinions from ours upon the question of constitutional law which determined the justice or injustice of the act of secession. Public men in this country had observed remarkable reticence upon this difficult question, and he was glad that both the hon. Member for Galway and the hon. Gentleman who took an opposite view had kept clear of embarrassing topics. He confessed that he rose with great diffidence to follow the able speech of the hon. Member (Mr. Forster) who had analysed so closely the list presented by the British Agents in the Southern States of America of those vessels that had escaped the blockade. Now, unless our agents had thought the sailing of these vessels an infraction of the blockade, they would hardly have made representations which they knew would be presented to Parliament in the form of a blue-book. Without travelling through the earlier months of the year, when it might be questionable whether the sailing of these vessels was an infraction of the blockade or not, he would refer to the list for October and November last. Now, if the reports by the British Consuls were good for anything, they must be taken as conclusive on the question of the efficiency or inefficiency of the blockade. On the 11th of October, the Acting Consul at Savannah reported that since the beginning of September the blockade had been less strictly maintained than at any period since its commencement, and that the line of steamers to St. John's had continued to run uninterruptedly. Mr. Bunch, writing about the same date from Charleston, stated that some vessels arrived there almost daily. In one of the last despatches Captain Lyons,

writing on the 19th of December, stated that the blockade, either intentionally or through the want of ordinary vigilance, was not effective. He therefore submitted that the speech of the hon. Member for Bradford (Mr. Forster) was not borne out by the facts set forth in the blue-book. But it appeared to him that the whole question turned upon the law which regulated blockades. The doctrine of the British Government had always been that a blockade to be respected must be effective. It was well known that the blockade of 1807, to which the Americans were in the habit of referring, to show that the British Government formerly entertained a different opinion, was declared as an answer to the Berlin decree, which nominally blockaded the whole of the British ports; and it would be recollected that Mr. Canning stated in the House of Commons that up to that time the old law requiring blockades to be effective had always been observed. The American Government, however, must in the present instance be judged by their own law. It had already been shown that the American doctrine had always been that a blockade to be legal and effective must be maintained at each port, and that in no case could a blockade of a whole coast be accepted by neutral Powers. But it was also the opinion of Judge Kent and the other American authorities, that if a blockade were interrupted even for a time, it could be renewed only by a fresh proclamation and a fresh notification to foreign nations. Hence it became important to ascertain whether at any time the blockade of the Southern ports had been suspended. Upon that point the statements in the blue-book were clear and decisive, showing that at Savannah, for example, the blockade was suspended from the 29th of May to the 13th of June, from the 8th of September to the 14th, from the 16th to the 23rd, and from the 29th to the 4th of October. The Consuls at Wilmington, Mobile, Charleston, and other places reported that intermissions of the blockade had frequently occurred, and that at no time had the force been sufficient. He contended, *therefore*, that this blockade could not be defended on the ground that it had been either continuous or effective. There was another point to be considered. According to the law of the United States, there had been no legal blockade at all; for the right of blockade was a belligerent

right, which could not be exercised until war had been declared or recognised by Congress, and Congress had never declared war against the Southern States or even acknowledged that they were at war; they were not, therefore, in strictness entitled even to establish a blockade. It was also important to remember that when the King of Naples blockaded the ports of Sicily in 1848, Sicily being then in a state for the time of successful insurrection, the American Government not only refused to recognise such blockade, but demanded compensation for American citizens who suffered by it. There had also been an infraction of legality in sinking the "stone fleet" in the mouth of Charleston harbour. Seeing, then, that the blockade of the Southern ports was illegal in its origin, because it had not the authority of the United States Congress; that it was illegal in respect that it was a blockade of the ports of the United States themselves, involving the exercise of a right which the American Government had denied to other countries; and that it was also illegal, because it had been frequently suspended without fresh notifications being given to neutral Powers, he begged to ask on what ground it could be respected? He agreed that we ought to be chary of giving encouragement to insurrection, especially, perhaps, in the United States; but by accepting an illegal and ineffective blockade we assisted one of the belligerents at the expense of the other, and thereby departed from that strict neutrality which we professed to observe. It must not, however, be forgotten that this was not an ordinary case, and that the present state of things could not long be endured. In other cases we had extended our moral support and sympathy to nations struggling for their independence; the Italians, the Poles, the Hungarians, and the Greeks had had from us moral support, and sometimes material assistance; and surely these 8,000,000 of fellow-Christians, struggling for independence and actuated by a sense of right and a love of freedom, were not to be alone cut off from communication with the civilized world and deprived of all sympathy. To respect an indefensible and illegal blockade could only be accounted for by weakness or timidity, and we had already had abundant proofs that a policy of timidity, of forbearance, and of magnanimity would have little effect on the minds of the

American people. Again and again had demands which would have been conceded to any other nation been refused to us, and again and again had we waived the assertion of our rights sooner than run the risk of war. We ought to consider whether it would not be in our power by a strict assertion of our rights, and of the principles of international law, to do a great and lasting service to the world. It could not be expected that the American Republic would come forth from this struggle as safe herself or as little dangerous to the world as when she entered it; and, while the struggle was proceeding, he would ask, was it nothing to us that torrents of blood should be flowing, and that a fratricidal struggle should be proceeding among such a large portion of the human race? If we could contribute to stay this tide of blood, it might be that hereafter, when they came to their better judgment, the American people would be grateful to us for having saved them from the gulf from which no nation had ever yet emerged without fearful loss.

MR. MONCKTON MILNES: My hon. Friend the Member for Galway told us, as one of his reasons for introducing this subject, that it was desirable we should consider this particular question before we next week approach the general principle of maritime international law. I beg to differ from him on that point, and I think it would be far better to lay down some general principle with regard to the general question of the law of blockade as affected by the present circumstances of the world, and the improvements in naval science, before we proceed to make an exceptional case for America. There was a great discrepancy between my hon. Friend's eloquent speech and the pooriness of the Motion with which he concluded; but it was still more discordant that, with so little practical interest to bear upon the matter, he should have brought forward a discussion which means nothing more nor less than a war between Great Britain and the United States—for we can hardly suppose that the United States Government will consent to be excepted from the general operation of the law of nations, or to be made a subject on which we might try a new system of international law. If the question before us were of that serious gravity which his conclusions would lead us to suppose, we should not now be discussing it in a quiet debate; we should

*Sir James Fergusson*



have a tumultuous agitation out of doors, and the people, driven by the necessities of their position, would be calling on the Government for some violent action, which we on the one side or the other should be either defending or opposing. But so far from there having been any such impulse, we have everywhere heard of the patience and forbearance of the English people under this great calamity. It will not do for a Motion of this kind to come from a political amateur; it must come from a great political necessity, which as yet does not exist. In the events now taking place in America, I see the best possible chance of a conclusion of the blockade. Let the arms of the North only pursue that triumphant course which they have now commenced, after so many months of careful preparation and statesmanlike strategy—let them occupy New Orleans and the mouths of the Mississippi—and there will no longer be any necessity for a blockade. The legitimate Government of the United States will then open the ports to you. These views may appear sanguine, but they are more probable than those which would lead the Government, departing from the dignified neutrality which it has hitherto maintained, to rush into some act of maniacal fury, and, because certain ports are closed, at once to break through the law of blockade. This blockade scarcely appears to me to merit the criticism which has been bestowed on it. It is a blockade mainly by cruisers, assisted by some stationary vessels. This is very different from the blockades of fifty or sixty years ago. The gallant Gentleman opposite (Sir J. Fergusson) says that we have never adopted the principle of blockade by cruisers; but surely he does not mean to say that cruisers had nothing to do with our blockade of the coast of the Continent from Brest to the mouth of the Elbe, which led to the Berlin decree and the retaliatory measure of the Orders in Council? But blockade by cruisers has been altogether altered by the general adoption of steam as a means of transit over the seas, and it has therefore become necessary that the whole question should be investigated, and that the different Powers of Europe should endeavour to come to some agreement on it. My hon. Friend the Member for Bradford (Mr. Forster) showed that the utmost which you could deduce from the statistics was, that the American Government, with a moderate fleet, were not able to blockade

the whole extent of their coast at the same time that they were engaged elsewhere in important naval operations. It is a question of the Government of the United States closing certain of its own ports, and it has done all in its power to make the blockade effective, by the sacrifice of as large a force as it can spare compatible with its other naval operations. It appears to me that the common sense of the question must lead us to the conclusion that this blockade is effective, for this reason if for no other,—that never in history has there been so large a portion of the surface of the earth so entirely excluded from all intercourse with the civilized world as the Southern States of America at the present time. We hear of the difficulty the people have in procuring, not only the heavier articles of commerce, but medicines and the lighter and more luxurious articles, which command fabulous prices in all the cities. We hear melancholy stories of Southern families, residing in Europe, utterly ignorant of the fate of their friends at home, from the impossibility of communicating with them by letter, the whole postal system of the American Government being broken down. To tell us that this blockade is ineffective—by which you mean that the Southern States can as freely communicate with Europe as if no blockade existed—is a view that I cannot conceive how any one can entertain. The effectiveness of the blockade appears to be quite sufficient for the purpose for which it was instituted. I think the hon. Gentleman spoke very harshly of the American Government for closing one entrance of the port of Charleston by artificial means. The effect of such a temporary material obstruction was to carry out and promote the efficacy of the blockade; it certainly did not tell in the contrary direction. The American Government wished to employ some of its ships elsewhere, and made this temporary material obstruction part of its operations, by the right of war, and I think there has been some very exaggerated misunderstanding of this matter. It has never appeared that the obstruction is intended to be other than temporary; and we might as well find fault with the Russian Government for sinking its ships before the harbour of Sebastopol, as with the American Government for placing this temporary barrier, which will be necessarily swept away by the action of the rivers

on the alluvial soil in a very few years. The difficulty for me in this matter is, to perceive the *animus* of this Motion; because my hon. Friend knows very well that he cannot provoke Her Majesty's Government by this Motion to undertake anything so desperate as to make a forcible attack on the navy of America, or by breaking the blockade, commit an act of hostility against a friendly nation. It appears to me, that the Motion is really intended to discredit as much as possible our relations with the Government of the Northern States. But that I hope it will not succeed in doing; because I believe our relations with that Government have been conducted, during the last twelve months under circumstances of considerable difficulty with great wisdom and moderation, and, at the same time, with every due regard for the dignity of the English people. And I trust Her Majesty's Government will not diverge from that course, but that it will pursue it to the end; and I am not one of those who believe the end is very far off. I have never brought myself to believe that there are not many men—that there are not multitudes of men—in the Southern States who, in saner moments, after the violence of a party triumph is over, will see the difference between belonging to one of the first empires of the world, and sinking to a condition hardly superior to that of the Spanish Republican States of South America. Notwithstanding all the violence and agitation of the hour, I believe there are thousands of men in the Southern Confederacy upon whom this consideration will have weight. I have always regarded a disruption of the American Union as a great calamity for the world, believing, with De Tocqueville, that it would do more to destroy political liberty and arrest the progress of mankind than any other event that can possibly be imagined. That disruption has taken place, and the conflict has been defined as a struggle for independence on one side and dominion on the other. I do not know that this is quite true. I do not know how the independence of the South can be greater than it was before, when it was part of one of the first Powers of the world, and not only part of it, but actually predominant in it. Nor can I see how it can be called a fight for empire on the part of the North, when the only terms it has required of the South are that it shall again send its representatives to Congress, where, if they are a majority, they may

govern, as they governed before. Let the people of this country remember, that if this contest has been caused by the institution of slavery, it was England who first transported the African race to America; and it does not become us to taunt Americans, in their hour of trial, with having slavery among them. The Americans are our fellow-countrymen; I shall always call them so; I see in them our own character, reproduced with all its merits and all its defects. They are as vigorous, as industrious, as presumptuous, as powerful, as honest and truthful as ourselves; and I can never, for a moment, disassociate the fortunes of Great Britain from the fortunes of the United States of America.

MR. LINDSAY said, he would endeavour to confine himself as closely as possible to the subject of the blockade. The case of the screw steamer *Bermuda* had been referred to by the hon. Member for Bradford (Mr. Forster), and it was said she had run the blockade in a dark and stormy night; but what was the fact? He had a letter in his pocket from a gentleman who came passenger by the *Bermuda*, and it stated that she had left Savannah on the 5th of November, 1861, about half-past three p.m. The weather was fine and clear. She carried no lights, but was accompanied by a small Confederate steamer which did carry lights and could have been seen. It was notorious that the ship would leave port, and the Northern papers averred that she would be seized as soon as she did so; yet she went to sea without any interruption whatever. The same gentleman offered to furnish the names of 600 vessels and their owners which had passed out of the Southern ports since this paper blockade was nominally established. The original of that letter he had himself sent to the noble Earl the Secretary for Foreign Affairs, offering to supply, through his friend, the names of the vessels and their owners. So much for the case of the *Bermuda* and the statements of the passenger by her in regard to the efficiency of the blockade. He had that morning a call from three gentlemen who arrived on Tuesday last from the Southern States. They too had run the blockade; there was no difficulty in their way; they saw no blockading squadron nor Federal ships—and the captain of the steamer by which they came passengers had run in and out of Charleston port twenty times since the blockade was announced, about



the middle of May. The *Mercantile Weekly Reporter* stated that of a list of vessels trading regularly between Cuba and the Southern ports, ninety-five had run the blockade. But, putting aside these statements, let them look at the facts of the case as given in these papers. By the Declaration of Paris in 1856 a blockade must be effective—that is, it must be maintained by a force sufficient to prevent access to the coast of the country blockaded. It might be said that the American Government had not been parties to that Declaration. But they had long acknowledged and maintained the principles which were laid down at Paris. Over and over again they had declared that they would not respect a blockade unless it were effective—so effective as to prevent access not to the ports but to the coasts of the enemy; they not only acknowledged, but acted upon these opinions; and if we unfortunately were thrown into war with any other country, he knew no nation that would compel us to maintain that principle so rigidly as America. Earl Russell, in his despatch—a most illogical one—said, “although a sufficient blockading force is stationed off those ports, various ships have successfully eluded the blockade.” But, if the force was sufficient, how could various ships have eluded it? His Lordship added, that assuming the blockade to be duly notified, “and also that a number of ships is stationed and remains at the entrance of a port, sufficient really to prevent access to it, or to create an evident danger of entering or leaving it,” the fact “that various ships may have successfully escaped through it will not of itself prevent the blockade from being an effective one by international law.” Here were embodied two entirely different principles—one according with the Declaration of Paris—namely, that there must be a sufficient number of ships to prevent access; and the other according with the old law, of which everybody complained—namely, that the creation of “an evident danger of entering or leaving” was sufficient. Now, for what purpose did the Paris Conference meet but to get rid of the uncertainty and inconvenience arising from the enforcement of this latter proposition? What was “an evident danger?” Suppose a British ship was going to Wilmington, Savannah, or Charleston, and that only one blockading vessel was maintained along that line of coast, perhaps

200 miles in extent—did the Government mean to say that one such cruiser would constitute an effective blockade there? The British ship would undoubtedly encounter “an evident danger” of capture even from that one ship; but if an effective blockade could be created in this way, then the Declaration of Paris was a deception and a snare, and great injustice was inflicted on the fair trader. The Consuls, who were impartial witnesses, bore repeated testimony to the ineffectiveness of the blockade. Commander Lyons, in his reports to Admiral Milne, had made similar statements; and this officer, writing on December the 24th, had officially announced the startling and disreputable fact that—

“The Federal Government, with a view of closing the passages, have sunk a number of vessels laden with stones off the harbours of Charleston and Savannah.”

He (Mr. Lindsay) contended that the sinking of the “stone fleet” at Charleston and Savannah was in itself the strongest admission from no less an authority than the Federal Government, that these ports were not effectively blockaded; but, under any circumstances, it must be said to their eternal disgrace, that repudiating the great principles of humanity, and in violation of every law human or divine, the Northeners thus closed harbours which were given by God for the good of mankind and the preservation of life along that stormy coast. Every act showed that the blockade was not an ineffective one, while the intermissions, as appeared by the papers presented to Parliament, had been frequent; so much so that if any British ship had been captured and condemned during the time when the American Government were proclaiming that a blockade existed, he hoped that the owners would bring their case under the notice of the English Government, and that they would demand compensation. He was anxious to avoid war, and disliked the expenditure which war entailed, but there was a duty which we owed to ourselves to discharge. It was his desire that we should maintain an impartial neutrality in the lamentable dissensions now raging between North and South, but he contended that we had a right to remonstrate and to interfere when our interests were so seriously affected by these paper blockades. A great injustice was thus being inflicted upon our commerce, and the Federal Government ought to be informed that unless the blockades

were really efficient we could not respect them. There was one important question upon which he wished to elicit some opinion from the Government—the question of the recognition of the Southern States. When were those 10,000,000 people to be considered competent to govern themselves? What principles guided the English Government in their recognition of the independence of a people. The Southern States of America comprised a vast territory. As far as we could judge, all that they had done had been done constitutionally. They had a Congress elected by the votes of the people; a Government and a President had been chosen; and events showed that they had no common army. The noble Lord the Foreign Secretary had, in alluding to Italy, expressed sympathy for brave men struggling in defence of their liberties, and declared that the Italians were the best judges of their own liberties. Now, this was exactly the case of the Southern States. If the Italians had a right to take up arms to free themselves from a Government under which they could not live happily, why had not the 8,000,000 or 10,000,000 people of the Southern States the same right? If the Americans of 1784 had a right to rebel against the mother country, surely the Southern States had a still greater right to free themselves from merely Federal obligations to the Northern States. Two-thirds of the exports from all the States, when united, consisted of the produce of the South. Those exports were paid for, as a general rule, by imports. The imports, to a large extent, came from England, and the duties levied upon them had been heavy and increasing in the interest of the Northern States. It was said that the Northern States had always been friendly towards England; but that feeling had not been exhibited in many of their acts, and certainly not in their tariff. In 1857 the duty upon pig iron was 24 per cent, now it was 50 per cent, while the Confederate States duty was 10 per cent. Upon bar iron the Northern States had increased the duty from 24 per cent to 60 per cent. Upon railroad iron the increase was from 24 per cent to 50 per cent. Was it surprising that 10,000,000 of people in the South were indisposed to bear these burdens for the special benefit of the manufacturing North? Much had been said about slavery, and he could be no friend to slavery as an institution;

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but when two of the most distinguished Federal generals talked about liberating the slaves, they were immediately recalled. Surely, the people of this country were not to be deceived by the representations now made by many people in the North in regard to this question. When a member of the Cabinet, Mr. Cameron, happened at a public meeting to express himself in favour of giving freedom to the slaves, it will be remembered that he got a strong hint from Mr. Lincoln and Mr. Seward, which resulted in his being turned out of the Cabinet. The fact was that nine out of ten men in the North had no desire to see slavery abolished, and a political necessity alone forced many now to raise the cry of abolition. Looking at the tariff and the conduct of the North in the *Trent* affair—for no one believed that, had it not been for the firm attitude of the noble Lord, the two Commissioners would ever have been given up—looking at these facts, it was difficult to see any manifestation of friendly feeling towards this country. What, indeed, were the arguments now used? At this moment they say, “When we are again united, then we will pay off England, and we will never rest until the whole continent of America is ours.” If we indulged in any sympathies, surely they should be for the weaker and the oppressed party; and our “neutrality,” if maintained, ought to be strict and impartial. He would put it to the Government, whether, if the South had had the power to establish such a blockade of the Northern ports as the North had established in the South, they would have respected such a blockade? He feared not. They would have said, “We must stand by the Declaration of Paris.” But the South was the weaker Power, and so the blockade of their ports is considered sufficient. If this country did not interfere, but allowed this horrible bloodshed to continue without a prospect of termination—for no one who had visited the States could believe that there would be an end until both parties were prostrate—let us be just and impartial. At present the South had not the same justice dispensed to them by us as the North. All the despatches from the Federal Government were published, but not so those from the South. The South ought to have the same opportunity of stating their case, to enable this House and the country to judge between the two parties. Let it also be remembered that the South were acting



on the defensive, and were not aggressive, for if they had been aggressive, they would have entered Washington the day after Manassas. They were defending themselves; and he believed no army that the North could bring against them would force the people of the South back to the Union. It was remarkable that the South had never been defeated in the field, except when the enemy had the assistance of iron gunboats. If, in conclusion, our policy is to be a strict neutrality, let the Government call upon the Federal Government to make the blockade a real and an effective blockade in accordance with the Declaration of Paris, and not such a blockade as is now maintained at so serious a loss to this country.

THE SOLICITOR GENERAL said,\*—Sir, it is one of the inconveniences of a discussion in this House upon such a Motion as that brought forward by the hon. Member for Galway—a Motion for papers, tendering no definite proposition—it is no slight inconvenience that the discussion inevitably introduces every kind of acrimonious and irritating topic, which can wound the susceptibilities of either of the parties to the unhappy contest which has arisen in America, and which we all deplore. Hon. Gentlemen giving way to sympathies—for which I do not blame them, although their expression in this House is unfortunate—rake up and bring forward every word that may have given offence, every word that may be open to just censure or criticism, which Mr. Seward or any other Member of the Federal Government may have used. Hon. Gentlemen propound their views in favour of the recognition of the independence of the Southern States, and in the same breath declare themselves advocates of strict impartiality; while they cannot be ignorant that if that question were prematurely and precipitately decided before the course of events has justified such a policy, it would be an act wholly inconsistent with the neutrality which we profess to observe. The hon. Gentleman who has just sat down (Mr. Lindsay) has said that, after all, he is an advocate for strict neutrality. He will pardon me if I cannot pay him the compliment of saying that the spirit of his speech was the spirit of strict neutrality. But I pass that by, and I agree with the hon. Gentleman—this House will, I am satisfied, agree, I know the country also agrees—that, as we have professed a strict, honest, and impartial

neutrality in the beginning, so it is our bounden duty to persevere in that neutrality. I do not for a moment hesitate to accept the test of the hon. Gentleman, who says that we must deal with the North as we should have done in similar circumstances with the South. But how should we deal either with the North or South? We should remember their position, their difficulties, their trials; we should use towards them the words and adopt towards them the acts of a generous and disinterested forbearance, recollecting that if anything is said or done by them that might justly wound our susceptibilities or be fairly open to exception of any kind, it is done and said under the most trying circumstances in which a great nation was ever placed. We should, Sir, set aside and discard from our minds everything that can irritate or disturb a dispassionate and sympathizing judgment—a judgment sympathizing as far as may be with their misfortunes and difficulties, and earnestly anxious that we may do what is right and just ourselves, and that we may as soon as possible see peace restored to them and to the world.

Sir, I will come to the particular question which the hon. Member for Galway has raised, avoiding the other topics into which some who have preceded me have thought fit to enter. Upon what principles ought Great Britain to judge this question of the blockade to which the present Motion refers? Great Britain must judge that question according to her own principles; according to the principles of international law which her great jurists have laid down, upon which she has heretofore always acted, and which have also been the recognised and common principles of the United States themselves, before their disruption, as much as those of England. Sir, until the late unhappy events, that country had the good fortune to bring forth great jurists, men whose works are known throughout Europe as laying down with candour and with learning, with accuracy and truth, the acknowledged principles of international law. Those great jurists, at all events, standing apart as they and as their country did from the passions and prejudices which might perhaps inflame against England some Continental minds, have borne this testimony to the law recognised by the decisions of our Judges on the subject of blockade. The House

will permit me to read this extract which I have made from Chancellor Kent—

“The judicial decisions in England and in this country have given great precision to the law of blockade, by the application of it to particular cases, and by the extent, and clearness, and equity of their illustrations. They are distinguished, likewise, for general coincidence and harmony in their principles.”

I am content, Sir, to set that testimony against whatever aspersions may have been cast on this country—on her practice, or on the law as laid down by her—by a French gentleman of acknowledged learning and eminence no doubt, but one whose fairness and impartiality are as little to be relied on as those of any authority of equal eminence ever were. I did not expect to hear the hon. Member for Galway bring forward, for the purpose of stating that he did not adopt them, the views of M. d’Hautefeuille with respect to increasing the strictness and severity of the law of blockade, or all his imputations upon England for acting uniformly upon a system of paper blockade. Why, my hon. Friend knows that to such an extent does national bias affect that writer’s mind, that even with the dates and facts before his eyes he did not hesitate to state and write that the Milan and Berlin decrees of Napoleon were retaliations for the paper blockades of Great Britain. The House is well aware that the Berlin decree preceded the first of our Orders in Council; that those decrees were issued on the 21st of November, 1806, and the 26th December, 1807, whereas our Orders in Council were not issued till January and November, 1807, and bore on the face of them that they were only measures of retaliation, resorted to because the French Government had thought fit to declare all the ports of this country under blockade, at a time when the vessels of France herself were prevented from leaving any of their own ports by the superiority of our maritime force. I hope that we shall not be expected to conform our judgment or conduct in this or any similar matter to the suggestions of that writer. He says that you have a paper blockade in America, and that England, the universal patroness of paper blockades, connives at and supports it, doubtless with a view to her own advantage in future times. Sir, I shall be able to satisfy the House that England is doing nothing inconsistent with her previous practice and principles, or with the principles of settled interna-

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tional law. But I can well understand that the writer to whom I refer may think that it might be extremely convenient, in the event of possible contingencies happening hereafter, which he, perhaps, may deem more desirable than I believe the Government of his own country does, that England in the time of confidence and security should, Samson-like, give up the secret of her strength and let her locks be shorn. I can understand that he may think it very convenient that we should make ourselves parties to new-fangled notions and interpretations of international law which might make it impossible for us effectively at some future day to institute any blockade, and so destroy our naval superiority—that great arm of our independence and safety. Sir, we do not wish to maintain or increase that superiority by any illegitimate means. We will not have one rule for the time when we are belligerents and another for the time when we are neutrals. We have always condemned that course in others, and we will not adopt it ourselves. But most assuredly Monsieur d’Hautefeuille is right in this—that England has as strong an interest as any Power in the world in understanding well what she is about, when she is invited to take a step that may hereafter be quoted against herself, and may make it impossible for her, with honour or consistency, to avail herself of her superiority at sea.

What are the clear and recognised principles of the law of blockade? Some hon. Gentlemen have spoken as if the doctrine to be found in jurists were, that unless the force be so effective and be so maintained that no ship can possibly run the blockade without permission, there is no blockade at all. It is needless to tell the House that, if that were so, there never has been a blockade since the world began, and there probably never will be. Why, every definition which the hon. Member for Galway quoted, commencing with those of the armed neutrality of 1780, which he wished us to imitate, stopped short of going the length, or anything like the length, which this argument assumes. They were content to go as far as saying that the blockade should be such as to make access to the port apparently dangerous. Again, the convention of 1801 between Great Britain and Russia used that very expression of evident danger in entering, which the hon. Gentleman who spoke last thought Earl Russell



was wrong in using in his despatch, and regarded as a departure from the Declaration of Paris. As to the Declaration of Paris, I was very much surprised to hear what fell from the hon. Member. He said, and said truly, in one breath, that Mr. Dallas himself had stated to Lord Clarendon on the 24th of February, 1857, that "the fourth of these principles respecting blockades had long since become a fixed rule of the law of war." Then Mr. Dallas understood it as nothing new, as going no further, and as not falling short of that which was previously held to be the law of nations. But in another breath the hon. Gentleman said, if no change was made by the Paris Declaration, what was the use of that declaration?—you are reducing it to a nullity. And he forgets that if it did make any change, on the face of that declaration it is provided—what, indeed, it was hardly necessary to provide—that it was not to be deemed binding on any Power which was not a party, or did not accede, to it. The hon. Member stated that Mr. Dallas said his Government adopted it; but Mr. Dallas only said that they understood it in the sense in which it was, no doubt, understood by all the Powers—a sense coincident with and not travelling beyond the true and established principles of international law. What are the essentials involved in a legal blockade? There must be a *bond fide* blockade by a force sufficient to maintain it on the spot, and there must also be a sufficient notification of some kind or other of that blockade. These are the two principles. Whatever may be found in some writers not now of recent date, it is perfectly clear that we have no exact technical definition of what constitutes such a sufficient force. You cannot *a priori* lay down what particular number of frigates or other ships of war shall be an adequate force in any hypothetical case. The improvements in modern warfare, the introduction of steam, or any other similar change, may have made sufficient or insufficient now means of blockade which were not so before. But what from the beginning of this century has been laid down as the test in this matter? Why, in the first place, that of "evident danger"; and then, that due credit must be given to the judgment of the naval officers intrusted with the execution of the service. Sir William Grant, sitting in the Privy Council on appeal in 1809, re-

versed the judgment of a Vice Admiralty Court in a case which involved that express rule. The port of Trinity, in Martinique, had been under blockade, and the Vice Admiralty Court had released a vessel taken for breach of the blockade, on the ground that it had been maintained by only a single frigate, and even that frigate had been occasionally absent in order to keep up her communication with another blockading force at a neighbouring station a few miles distant. It was held, that the naval officer was a competent judge of the force required to maintain the blockade in an adequate manner; and that unless it appeared that he either in fact raised the blockade, or acted *malà fide* so as to create the impression that it was raised, the mere fact that there was only one ship, and that under the circumstances I have mentioned she was occasionally absent, was not a reason for holding that a blockade did not exist; and a vessel that had broken the blockade was accordingly given up to the captors. I do not say that the naval officers are or ought to be the conclusive and final judges; but, at all events, in the first instance they are not only competent, but they are the ordinary judges.

Then, with regard to the question of intermission, there is a matter which seems to have been entirely lost sight of in some of the observations made in the course of this discussion—that, after a blockade has been intermitted, it may be resumed; and when it is resumed, as soon as persons have knowledge of the fact, whether by formal notification of the renewal or otherwise, it becomes as binding again, so far as those persons are concerned, as if it had not been intermitted. It is only during the period of intermission, or as to ships which come in, or intended to come in, during the period of intermission, or which may be affected with notice of the original blockade only, and not of the renewal, that the fact of intermission has any effect. That is a point which is also well settled by various authorities, and about which there can be no doubt whatever, as it has been the uniform practice. A great deal has been said to night from which one might infer, that this question ought to be looked at as if the blockade of the whole coast of America were one single thing, and as if, with the absence of sufficient force on any single point, the whole blockade was gone. There is not the least foundation

for that idea. It may be quite true—in fact, it is clear from the papers—that there were many parts at which from the first, or at least during considerable periods, the blockade was not efficiently maintained. But if there were some parts which were blockaded, the blockade was perfectly good as to those places, although with regard to other points of the coast it could not be said to exist. I wonder that my hon. Friend the Member for Galway (Mr. Gregory), in referring to Chancellor Kent's work, did not perceive that there was another passage connected with one which he read. It is there stated—

“The investing Power must be able to place its force at every point of the blockaded place, so as to render it dangerous to attempt to enter. . . . There is no blockade of that part where its power cannot be brought to bear.”

With regard to relaxation, I have made one observation already. It is also necessary to bear in mind that there are many and not inconsiderable or unimportant relaxations which may exist without vitiating a blockade, except as to those ships in favour of which it may have been relaxed. I will refer to one or two instances which occurred in our own war. There was the case of the blockade of the Elbe and Weser, in the years 1804 and 1806, which, being prior to the Berlin and Milan Decrees, was instituted before any extraordinary practices of blockade arose. The Government of this country allowed the Hanse Towns to carry on a trade in small vessels, over the Watten or Flats, with the blockaded ports. The blockading Power may always give special permission to come in, by passes; and, of course, it is a stronger thing to permit a ship to enter than to be merely eluded by one which has no permission. It was held that the relaxation in favour of the Hanse Towns did not vitiate that blockade. That may have been right or wrong; I will offer no argument about it; but, when such cases have occurred in our own practice, and have been decided by our own Courts, we ought to be very careful how we interfere in a high-handed and extraordinary way with blockades carried on by other Powers, only because they may not have been rigorously enforced. The material distinction, to be found in the decisions, is between such relaxations of blockade as would naturally have the effect of leading merchants and shipowners, acting *bonâ fide*, to believe

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that the blockade was at an end, and such as might not have that effect. If any blockading force had so conducted itself as to produce the impression on those concerned that the blockade was at an end, then the blockade could not be any longer treated as subsisting, unless regularly renewed, with a new and independent notice to neutrals. That was determined in the case of the *Rolla*, well known to those versed in such subjects, which was decided in the time of Lord Stowell. But in the case of a sufficient force continuing on the spot, even if there should be great and culpable remissness in enforcing the blockade, it by no means necessarily follows that the blockade is at an end, unless the tendency of the acts done is to create a reasonable belief that such blockade no longer exists. The particular ships and vessels allowed during that time to go in cannot be treated as having broken the blockade, though in other respects it may be held to be effective. A most remarkable case in point occurred during the blockade of Havre in the years 1798 and 1799. Public notification was given on the 8th of February, 1798, that there would be a rigorous blockade of that port, and vessels of competent force were despatched for the purpose of establishing it. From some cause which does not appear, and which I am not able to explain, the commanders of that force were so very remiss in the execution of their duty, that not only during that year, but during the greater part of the next year, 1799, they continually and habitually let ships go in, so that practically it might almost have been said that there was no blockade. But still the ships continued there, and the notification was held to have remained in force. Under these circumstances the question was whether neutrals were entitled to hold that the blockade was raised? What was the decision of the Courts here? They decided that the ships which had been allowed to go in could not be confiscated for breach of the blockade; but they also held not only that the blockade was in force as to other ships generally, but that neutral merchants, who loaded cargoes on board the very ships which were allowed to go in were to forfeit their cargoes, because they loaded them with knowledge of the blockade, and without any knowledge that the ships would be permitted to go in. That decision illustrates, in a very remarkable manner, the danger of acting in contra-



vention of a blockade, even though there may have been intentional and culpable neglect on the part of the officers in command of the blockading force. Again, I am not going to argue whether this decision was given rightly or wrongly—that is a question for a Prize Court, and not one for our Government to argue, in the first instance at all events, with the Government of another country. But it shows how such cases have been determined in the courts of this country; and their decision forms part of the series on which Chancellor Kent pronounced the eulogium I have read.

That being all I think necessary to state to the House with regard to the bearing of the question on the principles of international law as determined in this country, let me ask the House now to consider what our duty was when the blockade was first announced. It was, I think, undoubtedly the duty of the Government of this country to take care that our ships and property were not exposed to jeopardy upon any assumption by the Government of the United States of powers not recognised by the principles of international law. If we had found them claiming the right to establish a mere paper blockade, and to set at nought the rules and principles of the law of nations, then, undoubtedly, it would have been our duty to protest against that line of conduct, and, if necessary, by all just means to resist it. But what was the fact? Did the President, in his proclamation declaratory of this blockade, announce any intention of setting aside the law of nations? Quite the contrary. He said the ports should be blockaded in pursuance of the laws of the United States—with which we have nothing to do—“and of the law of nations; and for this purpose a competent force will be posted so as to prevent the entrance and exit of vessels from the ports aforesaid.” Whether that promise was fulfilled or not, there is evidently no assumption in that proclamation of the right to establish a paper blockade, nor any indication of an intention to violate the law of nations. In order to make assurance more secure, Lord John Russell took an opportunity of holding a conversation with Mr. Adams on that subject. What did Mr. Adams say? He assured the noble Lord “that it was by no means the intention of the United States Government to institute a paper blockade, a measure against which they had always protested.” At all events,

then, this Government was not in a position to assume that the law of nations would be set aside, that a mere paper blockade would be attempted, or that the right to institute such would be insisted on. Whether the blockade has been efficiently maintained or not, it is perfectly clear the profession was uniformly made that the requirements of international law would be complied with. Notice of the blockade of each port was to be given, due time was to be allowed for the ships to go out; and when the *Herald* was taken in her way to a port clearly not blockaded by any force, representations were made by Lord Lyons to Mr. Seward, and Mr. Seward immediately said the ship should be restored. It is quite true that promise was not acted on; but the reason assigned was irrelevant altogether to this discussion. The United States Government declared that they had good reason to believe the ship was owned by Confederate citizens, and not by British subjects; and, of course, if that were so, wherever the ship was taken, without reference to the law of blockade, the Government of the United States would have a right to bring her into court, and have her confiscated. But in the discussions between the United States Government and Lord Lyons, although propositions which were untenable may sometimes have been advanced, it was never contended for a moment that any other than the recognized principles of the law of nations were to be applied to this blockade. If that be so, what is the course which the British Government ought to take? I am quite willing to admit, that if it had been perfectly clear that, under a profession of consulting international law, the system adopted had in all respects deviated from it, and could not be reconciled with an honest intention to fulfil that profession, then I do not deny that the Government of this country might have been entitled to deal with the subject in the same way as if an open departure from those principles had been avowed and expressed. But on what is the opinion of this country to be formed? It can only be formed on the reports of its consular and naval officers. And, speaking generally, what is the result of these reports? That, though in certain places, and at certain times there was either no blockade at all, or very great remissness in enforcing the blockade, there was at other times and in other places, and in some places at all times, a

strict enforcement of the blockade. Coming, then, to time, place, degree, and circumstances, we should have to determine the case of every vessel that may be affected by the blockade, according to the time, place, degree, and circumstances.

I will not, after the very interesting and able speech made by my hon. Friend the Member for Bradford, trouble the House at as much length as I otherwise might have done on the circumstances attending the different breaches of blockade set down in the returns. My hon. Friend took up the lists of the vessels that were said to have run the blockade. He showed that there were not more than from thirteen to sixteen cases of anything like running the blockade; and that in all these cases, with, I believe, a single exception, the vessels belonged to Confederate or United States owners. That is a most satisfactory and conclusive statement, and relieves me from any necessity of giving an analysis of these figures and facts, to which no answer has been given, and to which I am satisfied no answer will be given. But what were the reports which the Government of this country received from their Consuls and from the officers employed in cruising for the purpose of acquiring an accurate knowledge of the facts? I can assure the House that there has been no remissness on the part of this country. All the time since the blockade was announced, officers most competent for the service have been cruising about by the various ports to see how this blockade has been enforced; and the Consuls at every port were ordered to send home all the particulars of which they could obtain a knowledge. With respect to the Gulf of Mexico, we have the report of our officers on the 23rd of July, and again on the 4th of September, to the effect that the blockade had been enforced by a sufficient force at all the ports of that Gulf. With regard to the particular port which my hon. Friend the member for Galway admits to have been efficiently blockaded—I mean New Orleans—I cannot help reminding the House, that the hon. Member for Bradford proved a very considerable proportion of the ships which were paraded by my hon. Friend as having run the blockade, to have come from that very port of New Orleans. From Galveston we have a report extending from the 22nd of July to the 30th of October. It states that port to have been so strictly blockaded that there was no possibility of

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anything getting out, with the exception of small craft drawing not more than six feet of water, and that they could only get out at night, and by a back way. My hon. Friend the Member for Galway did not feel that his case was very strong in in the Gulf of Mexico; but he seemed to think that it was strong when he came to Savannah. I confess I thought we were going to have heard more from him about Savannah than we did. He referred to Consul Fullerton's report of the 11th of October, in which, undoubtedly, the Consul speaks of some relaxation having then lately taken place. But what is the tenor of Consul Fullerton's reports as to Savannah before that time? Why, that from the 10th of June to the 8th of September, at all events, the port of Savannah, properly so called, was so strictly blockaded, that only one ship had got in.

Then, as to Charleston; that is the place in respect of which the strongest case seems to be made against the blockade by Mr. Bunch, a very efficient Consul. I must observe that he reported what he had heard from a distance, and what had been reported to him through a medium that may have been interested in taking a particular view of the matter. Mr. Bunch speaks of very great laxity in enforcing the blockade; but when you come to the facts, as explained in his own letters and the documents accompanying them, you will find that this laxity prevailed along the coast, and not at the port itself of Charleston. We have the Reports of Commander Lyons and Commodore Dunlop, dated the 31st of July and the 26th of September, that the blockade of Charleston was effective. Mr. Bunch himself, in his letters of the 25th of July, the 6th of August, and the 30th of September, admits the blockade to be effective as to large vessels, which could only come to Charleston by the harbour or main channel; he says, however, that the coasting trade, and the navigation by small steamers and other vessels of light draught, went on unmolested through other channels. On the 19th of December Commander Lyons writes, "The squadron at Charleston should be quite sufficient to maintain effectively the blockade of that port;" but, noticing that five or six vessels were said to have lately got in, he adds that "it would appear that the blockade, either intentionally or through want of vigilance, is not effective." Letters were written to the Consuls, at all the



ports, to inquire whether there had been any intentional laxity—any connivance or consent on the part of the Federal commanders to allow vessels to break the blockade. The answer, with a single exception, which I shall mention, was, that there had been nothing of the kind. The single exception is so extraordinary, that I must express my opinion that the fact stated by Mr. Bunch could not be accepted as conclusive without further inquiry. It is, that although no permission had been given to any other ships to go in and out, yet armed steam transports of the Confederate States, carrying munitions of war, had been allowed to go in and out at Charleston, and no attempt made to stop them. That is an extraordinary statement; I will not say what effect it might not have if established; but we have the testimony of the officers of our own cruisers as to the efficiency of the blockade at Charleston during the long period to which their reports refer. There is a circumstance which goes far to explain the inconsistency between these reports and the statement of Mr. Bunch that a very considerable number of ships have gone in and out—that the coasting trade of the country and some portion of the steam communication with the port have been continued. It is explained by the nature of the coast; and this applies to Savannah, as well as Charleston. It appears that although large vessels could not get to either of these places except by the regular ports, still there are a great number of small bays and lagoons along the coast, with inland rivers and creeks, by means of which vessels of small draught are enabled to reach Savannah or Charleston without entering the ports; so that the ports of these towns are not by any means the only communications between the towns themselves and the sea.

Would it be maintained that there is no real blockade of Savannah or Charleston unless you cut off all communication of this kind so as to prevent small vessels of from 50 to 300 tons finding their way to those towns? There are lagoons and rivers of this character along the coast to a considerable distance north of Charleston, and the same thing occurs to the South. Mr. Bunch, in his letter of the 25th of July, describes some of the vessels which he mentions as having come in by the South and North Edisto Rivers, and others by Bull's Bay, keeping within shore from those points, and never coming

out into the open sea. The North Edisto River is twenty miles southward from Charleston Harbour; the South Edisto is ten miles further; and Bull's Bay, to the north of Charleston, is equally or more distant. Unless, therefore, you maintain that there can be no efficient blockade of Charleston without cutting off all access of small vessels to some seventy or eighty miles of coast offering facilities for reaching that town by those indirect passages, and unless at Savannah it can be deemed indispensable to cover the whole long line of entrances among the Sea Islands, I do not think that even Mr. Bunch's statements made out the case which my hon. Friend the Member for Galway wishes to prove.

I am not going to say a word that could prejudice any ship which, during the intermission of the blockade, or without having received proper notice of an existing blockade, or in a case where there may never have been a blockade, or in the port of Savannah or that of Charleston—where the circumstances are so peculiar—may have done any act which may call for the decision of a Prize Court; I am not going to make any observation which could prejudice the consideration which any such case should receive. But this I do say, that no one could have heard the facts stated to-night by my hon. Friend the Member for Bradford without perceiving that there is a multitude of particular questions in this case, varying according to circumstances, which bring us to the consideration of what is the established course of dealing with such questions, according to the known and recognised law of nations. Nothing is better known than that, if a belligerent State is acting *bonâ fide* to maintain a blockade with such force as it may think sufficient and in such a manner as it may think right, neutral Powers must await patiently the decision of the Prize Courts before which any of their ships may be taken for an alleged infringement of the blockade. More than that, the parties aggrieved are bound to go before the court of appeal, before they can invoke the interference of their own Government, if the first decision is contrary to what they think right. However, if in the court of ultimate appeal some flagrant and indisputable wrong has been done—some principle of the law of nations disregarded—undoubtedly the country aggrieved is not bound by that decision, but has

a right to demand restitution and compensation for the individuals ill-treated by the decision of the Prize Court. That is the ordinary law of nations. It is not a question whether a neutral country shall dictate belligerent operations to a belligerent nation, but whether in every particular case justice or injustice shall be done to the subject of a neutral Government.

I did not gather from the speech of my hon. Friend the Member for Galway what it is that my hon. Friend thinks that we ought to do. The nearest approach to distinctness that I perceived was when my hon. Friend alluded to an armed neutrality. I infer, so far as I can infer anything, that my hon. Friend thinks this country ought to dictate to the United States the manner in which the belligerent operations shall be carried on, instead of allowing particular cases to be carried before the Prize Courts to be dealt with in the ordinary course of international law. But that dictation, if not accepted, will establish, on the contrary, an armed neutrality. You will have to send armed cruisers as convoy with your merchant vessels, and you will break through and destroy the obstacles that the United States Government have interposed to trade with the blockaded ports. What would that state of things be? Sir, I say it would be war. An armed neutrality of any kind is a species of war, and not the most honourable, because it is not avowed. But such an armed neutrality has never been heard of in the history of the world, not even in the days of Catherine of Russia or the mad Emperor Paul. An armed neutrality, by which a Government would break through the blockading force that was besieging a country, would set at nought all the usages of nations. It would be doing a hostile act at the point of the sword, not at the peril of war, but with war as its necessary consequence. It might, indeed, possibly happen as has been shadowed out in this debate, that the country whose rights were so invaded, and in regard to which international law had been so roughly set aside might be labouring under such difficulty and depression as to be unable at that time to do what any high-spirited nation, unless borne down to the earth, would naturally do—namely, to resent such aggression by force of arms. But if, at that precise moment, that country should be unable to resent the offence, do you think it would ever be forgotten—that friendly relations

*The Solicitor General*

would ever be again established with such a country?

I am sure that I speak the sentiments of the House and the country when I say that under no circumstances—not even under such circumstances as have lately threatened us—could there be a more grievous and painful thing for Great Britain than to engage in war with the United States. They are men of the same blood, language, and religion, the children of our forefathers, who are united to us by all the bonds that unite man and man together. Even in the holiest cause, and on the most necessary occasion—even on such an occasion as that which lately seemed imminent—we should enter on such a contest with feelings such as I cannot describe. And I venture to say, that, if on a late occasion we had been forced to enter upon that contest, although we might have had no alternative—for we were not the aggressors, and we could not have declined it without giving up the most sacred duties of a nation, and proving ourselves unworthy to be the depository of the power we possess—the deep and bitter feelings that such a contest would occasion under any circumstances would not have been without their aggravation, in the reflection, that it might be imputed to us that, after having made such sacrifices as we have done for the sake of liberty, we were obliged to find ourselves in active co-operation with a country which, perhaps, without the fault of the present generation, is still one of the last strongholds of slavery. And there would, if possible, have been a more bitter aggravation still; for if we had been compelled to meet our brethren of the United States in arms, we should have desired to meet them as generous enemies on a fair and open field, but we should have been obliged to meet them with their hands tied down, overburdened with the weight of a domestic calamity. If, however, it had been necessary in that case, they would have created the necessity; and we could have looked Europe and the world in the face, and calmly appealed to the verdict of our own age and posterity, knowing that our course, as it had been without fear, was also without reproach. But how would it have been, if, for the sake of any selfish objects, for any mercenary or interested motives—if to provide ourselves with cotton and to meet our own difficulties arising incidentally out of their misfortunes—how would it have been if, for the



purpose of consulting and considering our own interests, we had been the first to break the recognised usages of established law—the first to say that the United States as a belligerent Power should not exercise all belligerent rights in the ordinary manner, because we wanted cotton? If we had taken such a course, we should not have been able to look in the face Europe or the world; we should not have been able to appeal to the verdict of our own age and of posterity. Would any Government presiding over the destinies of this country be capable of entertaining such a policy? If there were any such Government, a power even stronger than the Government would prevent it. Who have been the great sufferers here by the loss of that trade which has been so unhappily interrupted? The artisans and manufacturers of Lancashire—the constituents of my hon. Friend the Member for Bradford. Have they demanded this; has my hon. Friend the Member for Galway spoken under their inspiration? No! They have set an example worthy of the noble people to whom they belong, and have shown that justice and virtue, honour and patience, are better esteemed among those classes that suffer most from such calamities, than any objects of personal interest which they could gain from provoking an unjust and unnecessary war.

Sir, the Government of this country has been actuated by the same spirit. It has desired firmly to maintain our rights, but to do so according to the recognised usages of nations; to be consistently and strictly neutral towards both belligerents, not encroaching on the belligerent operations of either, nor considering whether our neutrality would more benefit one than the other. It has taken that course, not only because it was consistent with our own true interests, but because it was the course of national honour and consistency, because it was the course of generosity and justice, and because it was the only course consistent with the Divine law that we should do unto others as we would wish others to do to ourselves.

LORD ROBERT CECIL said, he was not surprised that the splendid speech of the hon. and learned Gentleman should be welcomed with such merited approbation, nor was he surprised that the hon. and learned Gentleman should have dropped the word "Court" instead of "House," as the tribunal which he was addressing, since the splendid legal subtleties upon

which the hon. and learned Gentleman had entered must have brought back with them ideas of the familiar atmosphere of a court of law. He felt that he laboured under a great disadvantage in following the hon. and learned Gentleman, whose eloquence was so great, and whose knowledge was so profound; but he thought the hon. and learned Gentleman had unintentionally overlaid some facts which were deserving of consideration. It had been said in another place that if England were involved in war, the first thing she would do would be to retreat from the protocols of Paris. He was sure that if she ever wished to do so, she could not have a better model for the manner in which it could be done than the speech of the hon. and learned Gentleman. Not a shred remained of the beneficent provisions of the Treaty, if the law as laid down by the hon. and learned Gentleman was hereafter to guide this country. The first thing the hon. and learned Gentleman had told the House was that the naval officer on a station was to judge whether the force engaged in a blockade was sufficient. But the hon. and learned Gentleman did not stop there. He said that if there was an intermission of the blockade, it could still be resumed without any actual notice at all. But, so far as he remembered, all the writers on international law agreed that the intermission of a blockade was fatal to its efficiency. The hon. and learned Gentleman, however, told the House that a blockading force might go away and return, and that the blockade would, notwithstanding, still be efficient and in force. Let them apply that doctrine practically. According to it a State might blockade the whole coast of England or France with a single cruiser. The cruiser might go from port to port, and although the blockade would be continually intermitted, yet upon the arrival of the vessel at any port it would, without notice, be resumed, and thus the trade of neutrals might be destroyed. For it was not only damage to the individual trader that was caused by an inefficient blockade; the trader might obtain redress in a Prize Court, or from his own Government; but in the mean time the trade of the country to which he belonged was utterly broken. Merchants were frightened by a blockade, whether legal or illegal, and would not freight to ports against which it was declared. Then the hon. and learned Gentleman went on to say that, because

the President announced his intention to conduct the blockade according to the principles of international law, it was our duty to accept that intention as carried out. In reply to that he would call the attention of the House to the extraordinary doctrine which was laid down by Mr. Seward. Mr. Seward, in a letter to Lord Lyons, expressed—

“The dissent of the Government from the position which seems to be assumed in your note, that temporary absence impairs the blockade or renders necessary new notice of its existence. This Government will hold that the blockade took place on the 11th of this month, and will be fully in effect until notice of its relinquishment shall be given by the President of the United States.”

It was surely not fair to say, that the Government of the United States had avowed their intention to maintain the blockade according to the principles of international law in the face of a statement which directly contradicted those principles. Coming from the hon. and learned Gentleman's law to his facts, he noticed that he skilfully omitted to mention the port in respect of which the most flagrant breaches of international law had occurred—that of Wilmington. That port had only two entrances, and could easily have been guarded. It was one of the most important ports of the South, and if any port ought to have been blockaded, it was the one. On the 29th of July, Captain Bickley reported that the port of Wilmington was not blockaded. Between the 10th and the 31st of August, fourteen vessels entered or cleared from that port. On the 18th of August, Captain Bickley again reported that Wilmington was not blockaded; and on the 28th, Consul Bunch stated that no change had taken place in regard to the ports of North and South Carolina, that the coasting trade continued in full force, and that were large vessels to approach the coast, they could easily enter the blockaded ports. Here, therefore, if at any place, the blockade was not effective. Yet, on the 3rd of August, the British ship *Sarah Star* sailed from Wilmington, and having, when thirty-two miles at sea, fallen in with a United States cruiser, was seized and made prize for breaking the blockade. This was duly reported to the noble Lord at the head of the Foreign Office; but he made no protest or reclamation against this flagrant violation of international law. Yet such cases were reported in English ports, deterred English

*Lord Robert Cecil*

merchants from sending goods to the Southern States, and broke down our trade. But this was not the only ship seized under these circumstances. A schooner left Wilmington on the 17th of August, and having been driven by stress of weather to Newport, Rhode Island, was there seized as a prize for having broken the blockade. He did not say that these cases by themselves furnished a reason for going to war; but had the neutrality of which they heard so much been genuine, and had the Government been resolved that the blockade should be carried out according to the protocol of Paris, some protest would have been made against acts so flagrantly illegal. Before these papers were published he believed in the neutrality of the Government; but after a careful study of them it was difficult to continue in that belief. There had been many acts which showed something like sympathy for the Northern States, and a desire to favour them at the expense of their adversaries. The first was the forbidding ships to bring prizes into British ports—a proceeding which it was known would benefit the North and injure the South, because, while the former would have few or no prizes, the latter would probably, by its privateers, take a great many. The next act of the Government was to turn all the ships of war of the belligerents out of the ports of the United Kingdom and its dependencies. This, again, injured the Southern States more than the Northern ones, because their steamers were smaller, and had less stowage for coal. But what made him the most doubt the Government's profession of neutrality was their unwillingness to carry out with respect to the Confederate States of America that principle upon which they had acted with regard to every other revolution which had occurred within the present century. The English Government had always been prone to recognise insurrectionary Powers. It had been its principle that the people should choose their own governors, and that when the will of the people was clearly pronounced the assent of foreign Governments should follow. Upon that principle they acted in the cases of Belgium, Greece, Italy, and the Spanish Colonies in America. In those instances they never inquired into the origin of the quarrel, and never cared to ask whether slavery was or was not practised within the frontiers of the States which they recognised. They



had always recognised States as soon as an independent Government was established within their borders; and the first instance in which they had departed from that principle was in the case of the Confederate States of America. With respect to them we had for the first time heard of supporting legitimate Government and discouraging rebellion; and it seemed to him that if there had not been an obvious bias on the part of the Government, if they had acted with true neutrality, they would not in this instance have departed from the precedents of former times. And this conduct was as unwise as it was inconsistent. The plain matter of fact was, as every one who watched the current of history must know, that the Northern States of America never could be our sure friends, for this simple reason—not merely because the newspapers wrote at each other, or that there were prejudices on both sides, but because we were rivals, rivals politically and rivals commercially. We aspired to the same position. We both aspired to the government of the seas. We were both manufacturing people, and in every port, as well as at every court, we were rivals to each other. England, therefore, could never count on the secure friendship of the United States. A law mightier than her and mightier than they drove the two Powers into constant antagonism. With respect to the Southern States, the case was entirely reversed. Their population were an agricultural people. They furnished the raw material of our industry, and they consumed the products which we manufactured from it. With them, therefore, every interest must lead us to cultivate friendly relations, and we had seen that when the war began they at once recurred to England as their natural ally, and that the Northerners as soon as free from connection with them burst out into a storm of hatred, bitterness, and animosity against this country, such as had never been seen before. We had often been told that it was the Southerners who created the bitterness between England and America; but this fact seemed sufficiently to refute such an allegation. The moment that the Southern statesmen ceased to act as a check upon the Northern statesmen the latter gave free vent to their natural feelings, and selected England as the object of all their hostility, and surpassed in abuse all that we had experienced before. It seemed to him that we were giving way to the

Northern States on sentimental grounds. If we united ourselves to the North, with whom we could never agree, we should excite a permanent hatred in those who were our natural allies. If any interest of England could be served, if any honest construction of international law could be shown in support of doing what was so contrary to our interests, he would not object; but it seemed to him a fatal and suicidal policy to relax the laws which bind the comity of nations, and to unite ourselves to those who were our bitterest enemies when the consequence was the starving of our population and the destruction of our trade.

ADMIRAL WALCOTT: Sir, previous speakers have so fully dilated upon the subject before the House, that they have left no words to be added. I would, however, venture to offer one passing remark, which I cannot forbear to make. The attempt to eke out an inefficient and to give the semblance of an effectual blockade of the coast line of their enemies by the Federal squadron, by means of sinking a number of vessels laden with stone at the entrance of the port of Charleston, which was intended to result in the destruction of a harbour which Divine Providence had afforded, is a most barbarous and unprecedented proceeding. In my opinion, it will be an indelible blot on the escutcheon of the United States, and when the present excitement of men's minds has calmed down, a national shame.

Question, "That the words proposed to be left out stand part of the Question,"—put, and *agreed to*.

UNITED STATES AND MOROCCO.  
ARREST OF OFFICERS OF THE *SUMTER*.  
QUESTION.

MR. DARBY GRIFFITH said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether he has any means of correcting the information he has already given as to the arrest and reported release of two Officers of the *Sumter* at Tangiers; or whether he is aware that they were marched down to the beach and there embarked in a United States frigate, and carried away as prisoners?

MR. LAYARD said, he was not able to give any information in addition to that he had already given. He had stated that the two gentlemen in question landed at Tangiers from a steamer, and that the United States Consul, hearing that two American citizens were on shore, asked

the Moorish authorities to give him the aid of troops to arrest them. Under the convention between the United States and Morocco, he had power to call upon them to give him such assistance. The Moorish authorities asked no questions, not knowing that the persons in question were political refugees; they sent the Consul armed men, and the two gentlemen were arrested. He believed, as his hon. Friend had said, they were put in chains and confined in prison. He had nothing official except by telegraph. A message received two or three days ago stated that these gentlemen had been released; and he had no doubt that the information was of a much more recent date than that which his hon. Friend had quoted from the newspapers. He had no reason to disbelieve the information that had been conveyed to the Government.

Main Question put, and *agreed to*.

#### SUPPLY.

Supply *considered* in Committee.

House *resumed*.

Committee report Progress; to sit again on *Monday* next.

#### TRADE MARKS BILL.

##### NOMINATION OF COMMITTEE.

MR. ROEBUCK moved the appointment of the Select Committee on this Bill.

MR. CRAWFORD thought the composition of the Committee not altogether satisfactory. The manufacturing interest was represented upon it, but not the interest of the vendors, and he gave notice that on Monday he should move that the hon. Member for Honiton (Mr. Moffatt) be added to the Committee.

MR. ROEBUCK said, that the composition of the Committee had been very carefully considered by the President of the Board of Trade and himself.

MR. MOFFATT observed, that the punishment under the Bill would fall on the vendors, and not on the manufacturers, and he therefore conceived that the interest of the vendors should be fairly represented on the Committee.

Select Committee on the Trade Marks Bill *nominated*:—

MR. ROEBUCK, MR. MILNER GIBSON, MR. CRUM- EWING, SIR FRANCIS GOLDSMID, MR. ATTORNEY GENERAL, MR. CROSSLEY, SIR HUGH CAIRNS, MR. SELWYN, MR. ALDERMAN COPELAND, MR. HASSARD, and MR. WARNER:—Power to send for persons, papers, and records; Five to be the quorum.

*Mr. Lyard*

#### POOR RELIEF.

##### NOMINATION OF COMMITTEE.

##### *Ordered,*

“That the Select Committee on Poor Relief do consist of twenty-one Members:—Committee *nominated*:—MR. SOTHERON ESTCOURT, MR. BAZLEY, MR. AYRTON, LORD FERMOY, MR. WALPOLE, MR. BOUVERIE, LORD ROBERT CECIL, SIR WILLIAM JOLLIFFE, SIR JOHN ACTON, MR. LOWE, LORD EDWARD HOWARD, MR. CAIRD, MR. JOHN TOLLEMACHE, MR. KERKEWICH, MR. VILLIERS, COLONEL PENNANT, MR. MONCOTN MILNES, MR. LOCKE, SIR GEORGE BOWYER, MR. ALDERMAN SIDNEY, and MR. LYALL:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at half after Eleven o'clock, till Monday next.

#### HOUSE OF LORDS,

*Monday, March 10, 1862.*

MINUTES.]—PUBLIC BILL.—2<sup>a</sup> Exchequer Bills.

#### ITALY—PERSECUTION OF THE PRESS.

##### MOTION POSTPONED.

THE MARQUESS OF NORMANBY, in postponing the Motion of which he had given notice relative to Government prosecutions of the press in Italy, from Friday to Monday next, said his principal reason for doing so was that the noble Earl the Secretary for Foreign Affairs had insinuated a charge of forgery against a most respectable paper in Italy, the *Armonia*, and had stated that that, as well as other Conservative papers, enjoyed perfect impunity under the rule of the present liberal Government. He therefore thought it right to endeavour to ascertain from the parties most interested what this perfect impunity had been. Unfortunately, it was probable that the receipt of that information would be delayed, owing to the death of a distinguished Piedmontese nobleman, who for fourteen years had filled the office of director of the *Armonia*. He could not say he regretted the necessity for the postponement of his Motion which had thus arisen, because facts which had transpired within the last two or three days tended strongly to show that the cruel proclamation the noble Earl opposite believed to have been exceptional in its nature, in reality formed only part of the infamous system established by the Piedmontese invaders.

EARL RUSSELL: I do not accept as perfectly correct the statement of my noble Friend with regard to my speech. But I



think I had better reserve my explanation till he brings forward his Motion.

THE MARQUESS OF NORMANBY said, he referred to the remarks of the noble Earl as reported. He might not have used the words "perfect impunity," but he certainly employed, or was reported to have employed, language capable of that construction.

UNITED STATES — CONFEDERATE STATES OF AMERICA—BLOCKADE OF THE SOUTHERN PORTS.

MOTION FOR CORRESPONDENCE.

LORD CAMPBELL rose to call attention to the blockade of the ports of the Confederate States of America, and to move an Address for Copies of any Correspondence upon the subject which might have taken place since the date of the Papers which had been laid before Parliament. The noble and learned Lord said the object of the Motion is not to impugn the conduct of the Government or to show that the blockade ought before now to have been opened, or that now some measure in that direction should be taken, but to establish that the attitude in which we stand with one of the belligerents suspends, if it does not violate, neutrality, and that some further action is required in order to restore the neutrality we aim at. The belligerent in question is the Southern or insurrectionary power, and our attitude towards it arises out of a transaction very easy to recall, and a despatch with which the world is perfectly familiar, that of the Foreign Secretary to Lord Lyons, dated February 15th: The transaction was an appeal on our part to the Government of Richmond, through our Consul at Charleston, to accept the principles of public law laid down at Paris in 1856. The whole narrative appears in Paper No. 3 of the series on America. The negotiator with the Government of Richmond was not our Consul in person, but a gentleman of South Carolina, whom he chose to represent him. It was clearly open to the Government of Richmond to decline the proposition, not upon its merits, but on the ground that they could not hold intercourse with the agent of a power which had not yet recognized the place they claimed in the society of nations. Such a refusal might have easily been made on grounds of policy, as well as grounds of dignity, because if they consented to negotiate with countries which denied their claim to recognition, they

might seem in the eyes of some to compromise their right to urge, or at least to reduce their power of extorting it. And it is well known that, among the leading men of Richmond, there was a difference of opinion on the conduct which became them. However, not only did they consent to hear our negotiator, but they determined to embrace his proposition. On the 13th of August last year the President of the Southern Congress signed the Resolution which that Congress had arrived at, accepting all the rules laid down at Paris in 1856, except that which relates to privateering, and which we had not asked them to adopt. But the President was not so weak as to refrain from telling our negotiator that he looked for something in return for the concession he was making, and that the return he hoped for was a rigorous adherence, on our part, to the principles we had laid down as to blockades. We gained our point on such an understanding. So much for the transaction with the Government of Richmond. We now came to the despatch of the 15th of February, in which the Foreign Secretary, so far as the papers show, in reply to no question, in obedience to no demand, and in fear of no emergency, volunteers his approbation of the blockade as carried on at Wilmington and Charleston. It is perfectly notorious to all by whom these papers have been studied that at Wilmington and Charleston the blockade has been less effective than at any other portion of the seaboard from the north of Virginia to the extremity of Texas. The effect of the despatch, therefore, is to relieve the Government of Washington from the necessity to maintain at any part a higher or stricter type than that which Wilmington and Charleston have illustrated. Wherever it exceeds that type which the Foreign Secretary has selected for encouragement they are at liberty to weaken and abate it. It is unnecessary to prove its inefficiency at other ports, since its state at these two has been accepted as the standard. How far is such a measure, upon our part, consistent with the engagements we incurred in August to the Government of Richmond. It should never be forgotten that our Government were not forced to choose between the opposite alternatives of raising the blockade or of giving it in its weakest points a conspicuous and irrevocable sanction. They might, in a despatch so public and mo-

mentous, have sanctioned not its weak points, but its strong ones, if any such could be discovered; they might at least have gone on, without a pointed declaration, and only so far recognised it as they had during the autumn. On what ground were they required to blazon a manifesto in its favour, which must offend and startle one of the belligerents who had a right to look to a very different conduct from us, who had a right at least to hope, that when we quitted silence, it would not be for language inconsistent with our pledges to him? How can it be shown that this uncalled-for manifesto does not violate neutrality by a departure from the principles which we urged upon the Government of Richmond, and should have urged in vain, had it been thought that we were ready to abandon them? It can be shown, in one way only—namely, by disproving the evidence which this book presents on Wilmington and Charleston. Happily the witness to be heard is that very Consul whom the Government urged to negotiate with the Southern Power on the point which I referred to, whose previous character is shown by the appointment to so delicate a trust, and whose fitness to receive it was proved by the rapid and successful close to which he brought the business. The jurisdiction of Mr. Bunch extended over both these harbours—one of them in North, the other in South Carolina. It is not necessary to rely on the evidence which the Southern envoys have adduced. It is not necessary to rely upon the circumstance that the harbour of Charleston has been barbarously choked up, which would not have happened could access to it have been otherwise prevented. It is not necessary to rely upon the circumstance that now ships may be insured at fifteen per cent between Liverpool and Charleston, whereas fifty per cent would be required, as shipowners inform us, in a really adequate blockade. Our Consul had no motive for leaning one way or the other, although the Northern Government have now deprived him of his office by taking away his exequatur. In support of this view the noble Lord then read copious extracts from the despatches in question. The noble Lord, in continuation, said—Such was the blockade at these ports in which it has received so unlooked-for and so astonishing a sanction. But does it, therefore, follow that the conduct of the Government is open to exception? On the contrary, it only follows that further cor-

*Lord Campbell*

respondence is required to throw some light wholly wanting now upon the reasons which directed them. Further papers may show that they were forced to make a declaration on these particular localities by an embarrassment which could not be disposed of, or an inquiry which could not be adjourned. They may show us that the French Government had already acted in this manner, and that it was necessary to keep up the concert of the two upon American affairs. They may show us that further evidence was in possession of the Government to rebut that of our naval officers and consuls. They may show us that an explanation has been offered to the Government of Richmond with which we have communicated once and may communicate again, calculated to remove the sting from a proceeding which must appear to them so adverse. But if no further information is extended, the irresistible conclusion will present itself that we owe a debt to one of the belligerents which ought to be discharged, although not by raising the blockade, a course after their despatch impossible for Government. If no further information is extended; until that debt has been discharged in one form or another, neutrality may be upon the lips of official men, but has lost its place among their counsels. The noble Lord concluded by moving—

“An address for copy of any correspondence on the subject of the blockade of the ports of the Confederate States of America, subsequent to the papers presented to this House.

LORD ABINGER begged to congratulate Her Majesty's Government on the judicious manner in which the recent negotiations relative to the *Trent* with the United States Government had been conducted, and on the spirit of prudence, dignity, and conciliation which had been displayed, and which had met with the approbation of all classes of the people of this country. He had by no means anticipated so easy a solution of the difficulty. Some four years ago he spent some time in the United States, and he was received with such friendly kindness by all classes of the people there that he confessed this miserable contest conveyed a personal feeling of deep sorrow and regret to his mind. He thought it might be unadvisable, under existing circumstances, to raise the blockade of the Southern ports. Were they to attempt to raise the blockade, our cruisers would inevitably be brought into contact with the Federal squadron, which



would not admit our right to interfere, and a collision would thus be brought on between the two nations. He so much approved of the policy of non-interference which had been adopted by the Government that he should be sorry to see any system inaugurated which would lead to difficulties and complications on this subject. The whole question turned, in his opinion, upon the determination of the South to maintain their own independence. Had they seen any flagging on the part of the Confederate States in carrying on war against their former associates? He thought they had not. He apprehended that those States would maintain their separate existence, and he confessed his sympathies were with that gallant people who were struggling for their independence against immense difficulties. He admitted that the Northern States were superior in men, material, and treasure, and he did not undervalue the importance of their recent successes, but he believed, notwithstanding, that the subjugation of the South was an impossibility. The determination of the Southern States to maintain their independence must be admitted by all, and when once that was the case it was time to consider whether a recognition of their independence was not a measure which we ought to take to save bloodshed, and to put an end to the war. He hoped that some independent Member would make a Motion to that effect, or, failing that, that the subject would be taken up by some noble Lord on that side of the House.

EARL RUSSELL: I quite admit the right of the noble Lord to call in question the conduct of the Government with respect to the blockade which has been established by the Northern States of America; nor, indeed, should I complain if any noble Lord had called in question the whole of the conduct of the Government with respect to the unfortunate division which has taken place in America; for I am convinced that the policy we have pursued is not only founded on reason, and justified by argument; but also that it has the general approval of the country. With respect to this particular question—and I will not detain your Lordships by entering into any other—it was, of course, a matter of consideration for Her Majesty's Government from time to time in what manner this blockade should be regarded. There are various questions with regard to the blockade which they had to consider.

Firstly, was there sufficient authority for instituting a blockade? Lord Stowell says, that a blockade must be the act of a sovereign authority; and this blockade is the act of the President of the United States, who, on the 19th of April last year, issued his Proclamation, declaring that a blockade was about to be instituted. That act was followed by different armed ships of the United States blockading the various ports and warning vessels off the coast. Therefore, there can be no question as to the authority by which the blockade exists. Then, with regard to the means which the President of the United States, as the organ of the Government, employs. Of course those means were very deficient at first; but I think these papers show, and everything which we have heard shows, that the Government of the United States has been most desirous so to augment their squadron, and so to employ their ships, that there might be a sufficient force to maintain an effective blockade. It was, in fact, a matter of the greatest importance to them—it was a vital point of their policy; therefore we cannot doubt that they used every means in their power. We find that as early as the 15th of July, when complaints were made in some of the New York papers that the blockading squadron was not sufficient, that the Government had then sent on that service 34 men-of-war, of 56,000 tons, with 726 guns, and 10,113 men. This showed that the Federal Government made great efforts to render the blockade efficient. It might be said, again, at the commencement of the blockade, that it was too extensive, and that it was impossible, owing to its extent, that it could be efficient. But we must recollect that we ourselves, in our American War, instituted a blockade extending over 2,000 miles of coast; and the difference between 2,000 and 3,000 miles of coast is not so great as to authorize us to raise any objection to the blockade on that account. With reference to the blockade of 3,000 miles of coast, although such as we proclaimed ourselves and such as the law of nations allows, it is obvious that with several large ports and many smaller ones to watch there will surely be irregularities in the conduct of it. But, nevertheless, we find, generally speaking, that there has been an intention to station ships at those ports, and that those ships have been regularly stationed. We find that the blockade of Charleston was instituted on the 11th of May by the *Niagara*, the blockade of

Penascola on the 13th of May ; that of the Mississippi was effective on the 26th or 27th; and that of Savannah on the 28th of May ; in each case with sufficient ships for the purpose. The noble Lord (Lord Campbell) says that the blockade of Charleston was interrupted on some day of May, but resumed at the commencement of June ; and the noble Lord himself has read a letter, which showed that on the 5th of June the blockade was resumed by authority. There was also an account of another ship being added on some day in July or August, and there is no reason to suppose that there had been no ships of war before that port, and the whole question that arises is as to the interruption of the blockade between the 15th or 23rd of May and the 4th of June. If any ship had been taken at that time into a Prize Court, it might well have been argued by the owners that there was an interruption, and that no blockade at the time existed ; but that does not affect the general question of the blockade of the Southern coast of America. And let it be remembered, above all, that if there were an ineffectual blockade, the last place in which we should hear of it would be in the American Prize Courts. When a merchant vessel had been taken into one of those Courts, it would be quite competent for the owners to plead that there was no effective blockade, and that therefore the vessel, not having broken it, could not be legally condemned. No one will say that there are not Judges in America quite competent to decide questions of international law, — Judges who have inherited the precepts and doctrines of such men as Chancellor Kent and Justice Story, — quite competent to pronounce judgment according to law, and who, I believe, would not have departed from the law in their decisions in such cases. But I do not find that there has been any real discussion in the Prize Courts of America, except perhaps in one or two instances, with respect to the efficiency of the blockade. I must confess to the noble Lord that the many instances which are given by Consul Bunch and others of the vessels which have run the blockade induced me to consider the whole of this question with a view to deciding what the course of the Government should be. But, in saying that many vessels have run the blockade, I think there is great exaggeration, and there is great misapprehension, when lists of vessels are given which are, in fact, vessels belonging to the Southern ports,

*Earl Russell*

which run out of creeks and creep through shallow waters in order to reach another port on the same coast. These are mostly small vessels of from 50 to 350 tons, and it is stated in one of these letters that they cannot be regarded as vessels of such size and importance as to argue that the blockade was inefficient which allowed them to escape. Your Lordships know very well that in 1806 the Government of this country announced a blockade extending from Brest to Dunkirk ; but during that and other blockades which we instituted on the French coast there were many coasting vessels which went from one port of France to another, entirely evading the blockade. But would that have justified either America or any other neutral Power in saying, "This blockade is ineffective, and we will not acknowledge it, and we require you to give up the vessels which you have seized for breach of blockade"? It certainly would not have justified such a course. But there is another consideration. Has the Southern coast had a free and uninterrupted communication with Europe? Have your Lordships heard that cotton has arrived there in its usual quantities from the Southern coasts of America, and that the manufactures of Great Britain and France have arrived freely at the ports of the States which are now in a state of civil war? On the contrary, the intelligence which we have received — the intelligence which all the world has received — shows that there has been no such uninterrupted intercourse, but that great inconvenience has been suffered by the inhabitants of these Southern States, owing to the existence of that blockade which is said to be ineffective. As I thought that this question of the efficiency of the blockade was of the utmost importance, I deemed it desirable to consult the law officers of the Crown ; and after having done so I wrote the despatch to Lord Lyons, which the noble Lord has quoted, stating that—

"Her Majesty's Government, however, are of opinion that, assuming that the blockade is duly notified, and also that a number of ships is stationed and remains at the entrance of a port sufficient really to prevent access to it or to create an evident danger of entering or leaving it, and that these ships do not voluntarily permit ingress or egress, the fact that various ships may have successfully escaped through it will not of itself prevent the blockade from being an effective one by international law."

This was the deliberate opinion of Her Majesty's Government on the subject. I cannot give the papers to which the noble



Lord refers, on the very ground on which he asks for their production. He says, perhaps there may be papers that may show the blockade he thinks ineffective may really have been effective. There are no such papers; there are no papers that can make the case stronger for the Government than those which have been given; the Government is willing to leave your Lordships to judge the case from the whole effect of the papers that have been already printed, and whether they tend to the one side or the other your Lordships must judge. As to any representations from the Government of France that it considered the blockade ineffective, I must state that no such communication has ever been made to Her Majesty's Government. Nor have we ever had any communication with the Government *de facto* in Richmond with respect to the point which the noble Lord has referred to, and which I really think has nothing to do with the question at issue. At the commencement of the outbreak we asked whether the Government of the South were willing to acknowledge the second, third, and fourth articles of the Declaration of Paris, and they expressed their readiness to do so. This was a great advantage to both the belligerent parties, but we entered into no engagement with the Southern States. It was our duty to see that the Declaration of Paris was adhered to independently of any such engagement: it is our duty with regard to all neutral nations, and with regard to the peace of the world. The noble Lord (Lord Abinger) who spoke second, spoke with feeling of his intercourse with the people of both the North and South of America. It would have been a great misfortune if, owing to circumstances, we should have thought ourselves obliged to take a course in such a quarrel that would have made us become partisans either of the North or South. It was my object and the object of every member of Her Majesty's Government, from the very beginning of the conflict, to watch the course of events, with the determination to act in an impartial spirit and preserve a strict neutrality between the two Powers. Sometimes our course—as when we acknowledged the Southern States as belligerents—may have been considered as having an injurious effect on the North. On the other hand, when forbidding privateers to carry their prizes into any British port, it may have been considered to have had an

effect unfavourable to the South. But we did not consider the tendency of these acts. We only considered whether they were just in themselves and becoming the character of this country. If we had been obliged to take part either with one side or the other, it would have been a misfortune and calamity for the world, and for the people of America especially. On this subject I have seen lately a very interesting account—I believe an official report—published in American newspapers, from a person who was sent to superintend the negroes of Port Royal. The person making the report describes the condition of those negroes, how ready they were on the promise of some small wages to continue their work, and he ends by saying:—"Although I have done everything I could to dissipate the assertions, as calumnious as they are false, as to the Government of President Lincoln, I carefully abstained from exciting the slaves to rise against their masters." If by any misfortune, if owing to the necessity to vindicate our honour, if owing to persuasion that this blockade could not be legally acknowledged, we had been obliged to take part in this war, any thought of ending this great question of slavery by peaceable means would, I am persuaded, have vanished—the North would have proclaimed a general emancipation and liberation of the slaves. It is our earnest wish that the sin and stain of slavery may cease, yet there is nothing which I should look to with greater horror than a sudden insurrection of 4,000,000 of slaves, the devastation they would cause, and the horrors, murders, and pillage which, in the name of liberty, might have been perpetrated. I trust, therefore, that when this conflict ends, it will end in such a way that, although the cause of the emancipation of negroes will have gained, it will be an emancipation conducted gradually and by peaceable means, and that the slaves of America will in time take their place as free labourers, without the loss of the lives or the destruction of the property of their masters. It is not owing to their masters that slavery now exists in the Southern States of America—it is an inheritance which they have derived from this country. But if we had taken up this subject of blockade, if we had said that vessels condemned in the various prize Courts of America had been unjustly and unlawfully condemned, and the American Government had maintained that they were

justly condemned, I know of no course which would have been open but war with the United States. Having taken a different course, I do trust that within three months—perhaps even sooner—we may see the close of this unfortunate civil war in America. I have not intended by the language I have used to take the part of the one side or of the other. I trust that the contest may so end as to allow to each side a course of happiness and freedom. It will, perhaps, be impossible to renew the old feeling of union between the North and South; and if that be so, I trust that—whatever may be their military successes, whatever may be their naval victories, whatever positions they may capture—that the North will consent to a peaceful separation; and the two States—which may both be mighty—two States inhabited by persons of different education, perhaps with a very different nature, but respecting each other—may each go on in a course of peace and prosperity which will benefit them, not only at the present time, but for centuries to come. Should this be the case, I shall heartily rejoice; and I shall rejoice above all if during the contest we shall have done nothing to aggravate their misfortunes, whilst we have pursued a firm course—yet one of conciliation—showing that the respect which we entertained for both parties remains undiminished.

LORD CAMPBELL remarked, that as Government had no further papers in their possession, it would not, of course, be possible to move for them. In the absence, therefore, of any question before the House, he had no desire, no right, to enter into controversy with the noble Lord upon the different points he had referred to.

Motion (by leave of the House) *withdrawn*

House adjourned at half-past Six o'clock, till To-morrow, half-past Ten o'clock.

## HOUSE OF COMMONS,

Monday, March 10, 1862.

MINUTES.]—NEW MEMBER SWORN.—For Canterbury, Henry Alexander Butler-Johnstone, esq.  
PUBLIC BILLS. — 1<sup>o</sup> Consolidated Fund (£18,000,000); Turnpike Tolls Exemption (Scotland); Public Houses (Scotland) Acts Amendment; Moveable Property (Scotland).  
2<sup>o</sup> Transfer of Stocks (Ireland); Crown Suits (Isle of Man).

Earl Russell

## DISTRESS IN THE WEST OF IRELAND.

### QUESTION.

MR. GREGORY said, he wished to ask the Chief Secretary for Ireland, Whether any Report has been furnished to him by the Poor Law Inspector accompanying the steamer that has been sent to the west coast of Ireland to relieve distress in that district; if so, whether he will lay the Report before the House; and whether relief has been afforded, of what character, and to what extent?

SIR ROBERT PEEL in reply said, the Report in question had been received from the Poor Law Inspector, Dr. Brodie, who went in the steam-vessel *Geyser*, and who had visited different islands on the west coast of Mayo and Galway, and there was no objection whatever to laying that Report on the table of the House. With regard to the latter question of the hon. Member relative to the relief afforded, he (Sir Robert Peel) was in a position to say that independently of the islands being in an exceptional position, separated as they were from the system of workhouses, the island of Arran was held by the Digby family, and they had given relief in provisions and meal, and also in coals, for the poorer inhabitants. He was also enabled to state that a relief committee had been formed by the Protestant clergyman and the dispensing medical officer for giving employment in that island; also that the medical officer was authorized to give invalids and people who were bed-ridden tea, sugar, wine, and also fuel. He was also enabled to state that in that island, from the reports of the medical inspector, there was only one case of dysentery and no case of fever. There was only one pauper at present from Arran in the workhouse. The sum of £150 had been advanced for the poor fishermen on the west coast, to enable them to purchase fishing gear, which amount was to be repaid in the space of six years. The Society of Friends had advanced twenty pounds as a gift for the purchase of fishing gear to those who were unable to borrow. The islands of Enniscarf and Scarf had also been visited by Dr. Brodie, and he saw Mr. Wilberforce and Mr. Macaulay on the subject, and he was informed by them that the Society of Friends in Dublin had advanced twenty pounds for the benefit of the poor residents of those two islands. The island of Clare was also



visited by the Poor Law Inspector. The whole of that island belonged to the Law Life Assurance Company, and the Government applied to their agent, Mr. Robinson, who also supplied funds for the poor. The Roman Catholic Priest had behaved very well, in making collections and distributing the money to the suffering islanders. The islands of Arran, Enniscarf, and Clare had also been visited by the Poor Law Inspector; and he (Sir Robert Peel) believed that he was justified in saying that the inhabitants were not suffering any unusual pressure from want of food, and he might also add fuel. With regard to the island of Achill, that did not require assistance, as he believed the landlords had given assistance, and the people were tolerably well provided with both food and fuel.

#### ITALIAN PROCLAMATIONS.—QUESTION.

MR. DISRAELI: I wish, Sir, to put a question to Her Majesty's Government respecting certain proclamations which have been issued by the officers of the King of Italy in the southern parts of that country. Very recently public feeling was much excited in this country by a proclamation signed by Colonel Fantoni, which commanded the shooting of women and other enormities so incredible that I believe a Minister of authority and one of the advisers of the Crown felt himself justified in his place in denying the authenticity of the document. Unfortunately it proved to be authentic, but public feeling was relieved by the highest authority in another place informing the country that he had received a communication from the Prime Minister of the King of Italy, declaring that the moment the proclamation of Colonel Fantoni was issued it was by a superior order recalled. But, Sir, I have in my hand another proclamation, which appears to have been issued several days after the proclamation of Colonel Fantoni that we were assured was immediately recalled. I can have no doubt of its authenticity, for I find it in a Neapolitan journal of highly Liberal opinions. The House will, perhaps, allow me to state the principal features of that proclamation that they may comprehend the object of my question; and, also that Her Majesty's Government may recognise, if they have it in their power, whether that document or an official copy of that document is in their

possession. The proclamation is signed by one Major Fumel, who was the chief of the district of Farther Calabria, a district that is, I believe, of considerable extent. Now Major Fumel, under date the 12th of February, from Ciro, proclaims—

"The undersigned, charged with the destruction of brigandage, declares that whoever gives shelter, or any kind of sustenance or aid, to brigands, or seeing them and knowing their place of refuge, does not immediately give information to the armed force, or the civil and military authorities, shall be immediately shot.

"All cabins must be burnt, towers and farm-houses which are not inhabited, or defended by armed force, must be dismantled within three days, or the doors and windows built up. After that time they will be burnt, and likewise all cattle found without the necessary protecting force will be killed.

"It is also prohibited to carry bread or food of any kind out of the inhabited parts of the commune; and whoever acts in contravention of this order will be considered as an accomplice of the brigands, and shot."

Now, the question I wish to put to Her Majesty's Government is to know, whether Her Majesty's Minister at Turin, who appears not until the late inquiry to have furnished Her Majesty's Government with any copy of these documents—whether he has placed that proclamation to which I have now referred within the cognizance of Her Majesty's Government; and whether Her Majesty's Government have given the subject of that proclamation their attention, I may even say their anxious attention?

VISCOUNT PALMERSTON: Sir, the right hon. Gentleman had the goodness this morning to give me notice of the question that he meant to ask, and I have therefore made inquiry at the Foreign Office, to ascertain whether any communication has been received there with regard to this proclamation of Major Fumel's. The answer which I got was, that no information on this point had been received either from Her Majesty's Minister at Turin or from Her Majesty's Consul at Naples, but that a telegraphic inquiry would immediately be made for the purpose of ascertaining how the fact stands. I am sure it is needless to say with regard to the proclamation in question that Her Majesty's Government must partake of the disgust that everybody will feel at proceedings of this kind. It is true that the brigands who have infested this part of the Neapolitan territory have committed outrages of the most revolting character, but that is no justification for

the authorities to imitate their conduct, and retaliate on the innocent the misdeeds of the guilty. It is perfectly true, with regard to the first proclamation, with respect to which a question was put in another place, that we were informed that such a proclamation had been issued, but that it had been immediately revoked by the superior military authority on the spot. And I hope that the result of the inquiry now being made respecting this proclamation will lead to information of the same kind; and that it will not only have been disavowed, but entirely withdrawn, and, I should trust, censured by the authorities of the King of Italy.

#### SUPPLY—ARMY ESTIMATES—REPORT.

Resolutions reported.

(2.) £334,151, Manufacturing Departments.

SIR HENRY WILLOUGHBY said, he had on a previous occasion put a question to the Secretary for War as to whether certain arrangements had been made with respect to the War Office accounts, in conformity mainly with the recommendations of the Committee on Military Organization; but the right hon. Gentleman in his reply entirely passed over the chief points to which the question related. What he wanted to know was, whether the right hon. Gentleman, or any of the officers under him, knew the cost of the raw materials of the articles manufactured in his department, and the total cost of those articles? It was quite clear, unless the right hon. Baronet knew the cost of the raw material, he could not tell the cost of the article produced; and if he did not know the cost of the article, he could not say that he could manufacture it more cheaply than the same article could be obtained by contract. He wanted to know, therefore, whether the system of the War Office accounts, embraced all the accounts of the department, both chief and subsidiary, so that the right hon. Gentleman could state what was the money value of the several articles produced?

SIR GEORGE LEWIS: The manufactures carried on under the direction of the War Department are on a very large scale, and the number of articles produced in the course of a year is very great. The whole matter is very properly a subject of jealous inquiry on the part of this House, and I think, therefore, the hon. Baronet's question is perfectly legitimate.

*Viscount Palmerston*

Now, Sir, my belief is that the accounts of the different manufacturing departments of the War Office are kept in a very complete and regular manner. Of course, I have no personal experience or knowledge of the matter myself; I can only derive my information from those who superintend those departments. They assure me that the system of accounts is complete and trustworthy, and that there will be by the 1st of April next a balance-sheet of each of those departments. When all those balance-sheets are prepared, I shall lay them on the table in a complete series, and then the House will be able to judge for itself how far those accounts are kept in a satisfactory manner. As to the particular question of the hon. Baronet, whether we are in a condition to state the precise value of each class of articles, my answer is that we are in a condition to state the amount of wages expended on each article, and the cost of the raw material. There is then the ulterior question, what percentage should be added for the plant, the capital, and superintendence? Now, it is much more difficult for Government to make an estimate of those items than for a private manufacturer. There is, also, some annual allowance to be made for the diminution in the value of the machinery. Opinions differ as to the percentage which ought to be added for those heads. I believe, however, on the whole, that the department is in a condition to give an accurate estimate of the price of all the different articles which it manufactures.

(6.) £2,060,276, Warlike Stores.

SIR HENRY WILLOUGHBY said, he was surprised to find that the stores had been sent out to Canada, not in the summer or the autumn, but in the winter of last year, when their conveyance had involved a large additional expense. In the course of the summer things seemed to wear an unpleasant appearance between Mr. Seward, the American minister, and the Foreign Office in this country, and he had been informed that the Canadian government had then asked, not for troops, but for stores, and more especially for arms.

SIR GEORGE LEWIS said, he thought that his noble Friend at the head of the Government had on a former occasion sufficiently explained why reinforcements were not sent out to Canada in the autumn, that reason being that the Canadian Government did not desire that reinforce-



ments should be sent to Canada at that time.

SIR HENRY WILLOUGHBY explained that he had only referred to stores.

SIR GEORGE LEWIS said, that the only ground for sending out more stores than were required for the troops then in Canada would have been in order that the militia might be armed. No doubt the Government might have taken that course, but the militia were not then in a state of activity, and Government did not then apprehend any hostilities with the United States.

(8.) £158,128, Civil Buildings.

COLONEL DICKSON, adverting to the item of £26,100 for the purchase of part of Mr. Dimes's new factory at Pimlico, said, that the House might naturally suppose that the Government proposed to purchase a building already rented and used, but he believed that the building in question was one in the course of construction for the purposes of the Government; and, after the order for it had been given, the House was asked to pay a sum of £26,000. If arrangements of that kind were made without the cognizance of the House, it would be impossible to say to what extent these manufacturing establishments might increase.

SIR GEORGE LEWIS stated, that the building was in process of construction on Mr. Dimes's land and at that gentleman's expense; and if the Vote should not be confirmed by the House, the Government, according to the arrangement made, would have to rent the building from Mr. Dimes. The principal purpose of the building was to provide additional room for stores, and Mr. Dimes was willing to erect the premises at his own cost, provided an adequate rent for them were paid by the Government. It was thought, however, that the more economical plan for the Government would be to purchase the land with the building on it. In reference to some remarks made by the hon. Member for Liskeard (Mr. B. Osborne) on a previous night, respecting the clothing for the army, he now wished to state that all the great-coats were made at Pimlico and the Government prisons; that the tunics for the infantry were divided about equally between the Pimlico establishment and the trade; and that, with respect to trousers, a large store existed when the last contract was made, but in future tenders equal numbers of tunics and trousers

would be given out. Serge trousers were made exclusively at Pimlico.

First eight Resolutions *agreed to*.

(9.) £667,168, Barracks.

SIR GEORGE LEWIS said, that on this Resolution he would take the opportunity of answering a question put to him by the right hon. and gallant Member for Huntingdon (General Peel) with respect to what seemed to be an excess of 3,000 men over the number voted last year. Those men were additional troops for the artillery, when that force was increased under the direction of the War Department; and the expense was to be defrayed by arrangement between the Indian Government and the War Department, so that these men did not appear among the number voted last year, nor did the charge for them really form part of the Estimates. With respect to the Vote for barracks, the House would perhaps bear in mind that in Committee of Supply a Motion was made for the reduction of the sum by £10,787, proposed as an additional charge for Sandhurst College. That Motion was affirmed by the Committee, so that the additional charge for Sandhurst was struck out of the Estimates. In consequence of that decision it became his duty to inquire how that reduction could be carried into effect, and he found the following to be the state of the case:—A Vote of £15,000 for the same service was taken last year, and a contract was entered into late in the year for nearly the whole amount, with the view of making an addition to the building at Sandhurst. The sum already expended up to the end of December was £953. The work had since proceeded, and he understood that by the end of the present quarter the contractor would be entitled to the payment on the whole of about £5,000. If, in consequence of the vote of the Committee the War Office were to give notice that the rest of the contract could not be completed, the contractor would, of course, be entitled to a compensation, probably amounting to £5,000. It would also be necessary to incur a further expense for pulling down the building (as it could not remain in its present state), and removing the materials, so that the whole expense would be about £12,000. Now, the whole Vote asked by the Government the other night only amounted to £10,787; and that being the state of the case, he thought he should not be

justified unless he brought the matter again under the consideration of the House and gave it an opportunity of reviewing its decision. He therefore proposed to re-commit the Vote for the following Thursday, when he would be prepared to enter into detail. The Committee appeared to be under the impression, occasioned by an error of the press in the Estimates, that the accommodation designed for the students would be unnecessarily large; but he understood that if the addition to Sandhurst College now in progress should be completed, there would be proper accommodation for 350 students at the most, and the accommodation, after all, would be inferior to that now provided at Woolwich Academy. He certainly had not anticipated the decision of the Committee, being of opinion that the item in the Estimates was substantially only a re-vote. He had before stated that it was not intended to lay down any compulsory rule that all persons entering the army should enter Sandhurst College, but it appeared that the decision of the Committee was influenced by some idea that in this respect the University of Cambridge would be unjustly treated in comparison with Sandhurst College; and he was therefore desirous of reading a letter sent a short time ago from the War Office to the Vice Chancellor of the University of Cambridge, showing that there was every disposition to give a favourable consideration to the application of students from that University. The letter was dated the 29th of January, and was as follows:—

"I am directed by Secretary Sir George Lewis to acquaint you that, having the subject of the admission into the army and into the Royal Military College at Sandhurst of the Students of the University of Cambridge under his consideration, and having conferred thereon with his Royal Highness the General Commanding-in-Chief, he has caused letters on the subject to be addressed to the Vice Chancellors of the Oxford and Dublin Universities, copies of which are enclosed, and I am to request, in the event of the University of Cambridge being also desirous of adopting the course approved in the case of the two Universities above-named, that you will be good enough to state for Sir George Lewis's information what are the examinations at Cambridge which may be considered equivalent to the first and second examination (called Responsion and Moderation) at the University of Oxford, in order that the Secretary of State may be able to determine the qualifications which may entitle the students of the University of Cambridge to exemption from any further examination of a preliminary character in those subjects on admission to Sandhurst as military cadets."

*Sir George Lewis*

The proposal which had been made to the University of Oxford was that the preliminary examination on admission to Sandhurst should be dispensed with in the case of persons who had passed certain degrees at Oxford or Cambridge, and also that the time of admission should be lengthened by six months for the Universities. That was an arrangement which he thought would be beneficial to the students, and was likely to prove generally satisfactory. He should, in conclusion, beg to move that the Vote be recommitted on Thursday next.

GENERAL PEEL said, that as the vote was again to come on during the following week, he should for the present content himself by referring simply to the answer which the right hon. Gentleman had given to his question with respect to the 3,000 artillery, which were represented, as hon. Members would perceive by a reference to the Estimates, as being in India, whereas they were absolutely in this country. The fact was that those Estimates provided not for 145,450 men, which was the number the right hon. Gentleman asked the House to vote that year for the army, but for 153,074, which number included the depôts of the regiments in India; so that any saving in our existing expenditure would depend upon whether the latter, not the former, number was exceeded. In dealing with the point he would dismiss from consideration altogether the sum to be paid by the Indian Government as a capitation rate on regiments in India, because it had no reference to the Estimates before the House, although it might affect the Ways and Means of the Chancellor of the Exchequer. With respect to the Indian depôts, however, he might observe that they were not on the Indian establishment, and never would be until they went out to that country, where they would be no addition to the establishment there, inasmuch as they would be drawn upon merely to supply vacancies; their place in England being supplied by recruits, so that no diminution of expenditure in respect to those depôts would be effected. It was by desire of the Indian Government, he believed, that the strength of the depôts had been reduced from 200 to 100 men for each regiment, but he doubted whether that was not a measure which would produce rather apparent than actual economy, inasmuch as a recruit after a year's training was, after all, cheaper, because likely to be more efficient, than one who had gone through his drill for only



six months. Be that, however, as it might, the greatest inconvenience resulted from the way in which the men belonging to the British and Indian establishments were classified in the Estimates, and if anybody were to take those Estimates up some short time thence he would find they presented to all appearance the somewhat extraordinary information that 145,450—the number voted for the present year—cost exactly £575,750 more for pay and allowances than a greater number of men had done in the previous year. If a different arrangement were adopted, and the number of men belonging to the Indian as well as to the British establishment were more clearly defined, much confusion would, he thought, be avoided.

SIR CHARLES WOOD said, he was afraid the change as to the Indian army was to some extent the cause of the confusion of which the right hon. and gallant Gentleman complained. The Estimates for the year could not be presented in so clear a form as might be the case, owing to the transition state of the Indian army, consequent upon its amalgamation with the Queen's army. The fact was that as far as related to the old Queen's regiments in India no alteration had been made in the Estimates for the present year; the regiments in India being paid there, and the depôts at home being paid in this country, though in a somewhat different mode from that which had hitherto prevailed—namely, by means of a fixed capitation allowance. With respect to those regiments which had been converted from local into Queen's troops, he could only say it was perfectly impossible to give the required information concerning their depôts, inasmuch as they had not yet been formed. Before next year, however, these depôts would be formed in this country, and then the capitation rate would apply to them, which was not now the case. The explanation so far as related to the artillery was somewhat different. To the old Royal artillery, which furnished men for the old batteries the capitation rate applied, but to the new local artillery, which was very much below the strength required to complete the Royal batteries—European being substituted to a great extent for native artillery—the rate was not applicable to meet the case of those new batteries of Artillery; therefore a special arrangement had been made, which was that the whole expense of raising and recruiting them should be borne by this

country. Next year they would come under the operation of the capitation rate.

MR. SELWYN said, the Motion which the Secretary for War had submitted to the House was one which could not fail to excite considerable surprise, though he hoped the House would follow the advice rather than the example set by the right hon. Baronet, and not discuss the question. The question of the extension of Sandhurst had always been regarded as financially important, but it had now assumed a still more serious aspect, for after the statement of the Secretary for War it must be considered as affecting the rights and privileges of that House. When the Vote was discussed in Committee of Supply, he had advisedly abstained from saying anything with respect to the pledge given by the Government last Session, that the sum then voted for the extension of Sandhurst should not be expended until certain information had been laid before the House. That was a painful subject, to which he was unwilling to refer. In the remarks he was about to make he had not the slightest intention of uttering a single word which could be personally offensive either to the Secretary of War, whose courtesy everybody must acknowledge, or to his subordinate, Earl de Grey and Ripon, to whom every friend of the Volunteer movement owed many and great obligations. But the question of Sandhurst was one with respect to which a grave responsibility rested upon the Government generally. Without going into the question at length, this much might he said, that after the pledge to which he alluded was given, the Government as a body must have known that the extension of the College of Sandhurst, or any great increase of students there, was a question in which the House, or at least a large section of it, took great interest. Under those circumstances the Estimates were submitted to the House, and the right hon. Baronet made a speech in which he referred to Sandhurst and the probable increase in the number of students. He (Mr. Selwyn) then placed on the paper a notice upon the subject, and it was discussed twice—once in the House and once in Committee of Supply; and it was not till after an adverse vote on the latter occasion that the right hon. Baronet informed the House that it had come to his knowledge that the subject of debate was in fact settled and determined; that not only had the money they were called on

to vote been expended, but that there was a contract involving further outlay. What, he asked, had the House been talking and dividing about? Was the discussion the other night a farce, and the division in Committee of Supply a mockery? Was the House to be told, after two discussions and after the Committee had expressed an adverse opinion, that it had come to the knowledge of the Government that it was impossible that things could remain as they were, but that it was absolutely necessary the extension of the College should be carried into effect? The existing state of things must have been known to the Government, and, as an independent Member, he had no hesitation in saying that, in this matter, the House had been trifled with by Her Majesty's Ministers. The Secretary for War had given no notice to the House of his intention of departing from the usual course, which was to ask the House to agree to the Resolution adopted in Committee of Supply; but had kept them in ignorance until the last moment, although he was bound to say that he had that afternoon privately given him (Mr. Selwyn) notice of the course which he was about to pursue. Under these circumstances he trusted that the House would not consent to the proposition of the right hon. Baronet to postpone the consideration of the subject; but that if he was prepared to take any unusual course in reference to the Vote, notice should be given in the ordinary way.

MR. SPEAKER said, the Motion before the House was that the Vote be postponed. The next Question would be that the Vote should be taken into consideration on a subsequent day.

SIR GEORGE LEWIS observed, that in the few remarks he had made to the House on this question, he had stated that the Government had not, in point of fact, gone beyond the Vote of last Session. He would not attempt to answer the remarks of the hon. Gentleman, but would ask the House to reserve its opinion as to whether the Government had acted with bad faith or not until it would be his duty to address the House on a future day.

COLONEL KNOX said, he would beg leave to remind the right hon. Baronet, that when his attention was called the other night to the question of Sandhurst, he stated that the Vote was only a contingent one. After that statement,

*Mr. Selwyn*

which was made subsequent to a reference to the pledge given by the Government last year that the money then voted would not be used, it was naturally supposed that no steps would be taken for enlarging the College of Sandhurst until Ministers had submitted their plan of military education to the House. The fact was, however, that the whole of the new buildings had been contracted for, that £5,000 would become due in a few days, and that the Government had made themselves responsible for the remaining £7,000.

MR. T. G. BARING said, he must deny that any pledge was given by the Government last Session that the sum voted for the extension of Sandhurst would not be spent. What really took place last Session was this:—A discussion having arisen on the Vote in Committee of Supply, he offered, on the part of the Government, representing then as he did the War Office, that if the opposition was withdrawn, he would undertake that no money should be expended until the House should have an opportunity of considering the question of military education; but hon. Gentlemen opposite did not agree to that proposition; a division took place, and the Vote was carried, though he admitted by a very small majority. The attention of the noble Lord the Prime Minister having been called to the alleged pledge, he (Mr. Baring) on a subsequent occasion, in answer to a statement made by the hon. Member for Windsor, distinctly stated what had occurred, and reminded the House that what he had said was, that if hon. Gentlemen did not withdraw their opposition, he was not prepared to give any pledge on the subject. On the 28th of June the discussion was renewed, and he then distinctly declined to say that the money should not be spent. In consequence, however, of that discussion, the Government re-considered the whole scheme of education at Sandhurst, and it was very much modified. The plan now proposed by the right hon. Secretary for War was quite different to that which was contemplated at the time the Vote was given.

MR. G. W. HOPE said, that having been the Member who brought the question before the House last Session, he might state that the majority for the Government on the division was only five; and the House knew very well that if the Government made a reasonable proposition, and told them that they should have all the information on the subject before they



spent the money, they were always willing to give it credit; and he could state from information which he had obtained subsequently to the Vote, that that majority of five was entirely gained by the declaration which the Government then made. He certainly thought that the Government had pursued a very extraordinary course of conduct in subsequently repudiating the pledge that they would lay before the House all the information they possessed upon the subject; whereas up to this moment it did not possess the slightest knowledge of the scheme. He had last Session brought a Motion forward for an Address to the Crown that the money should not be expended before the information was obtained; but his late right hon. Friend the then Member for Carlisle (Sir James Graham) rose to order upon the subject; and though there was some difference of opinion on the question whether he was not in order, he bowed with deference to the Speaker's decision that he was not. They were now informed that the Government were ready to give every information upon the subject; but the House ought to have been in possession of such information long before the expenditure of the money.

VISCOUNT PALMERSTON said, that it was quite plain from the statements of hon. Gentlemen opposite that Government had committed no breach of faith whatever in making the contract which they had made. The subject was mooted last Session in the House whether the Government had made any pledge not to proceed with the extension of Sandhurst until the matter had been further discussed. It appeared, however, not only that they had made no pledge, but it was twice distinctly stated by the organ of the Government that they had given no pledge whatever, and therefore they were bound by none. Hon. Members might, if they pleased, question the propriety of what had been done; but he could not admit that the Government were in the least degree open to the charge of having broken faith with the House, or of having followed a course which the House was led by the declarations of last Session to believe they did not mean to pursue.

COLONEL DICKSON said, that though he had no wish to accuse the Government of a breach of good faith, it must be evident to every one that they got their Vote passed last year under false pretences. His hon. Friend the Member for Windsor

had brought the matter clearly before the House; and though there might have been no exact and definite pledge given by the Government, there could be no doubt that the majority for the Government was gained in consequence of the statement that every information would be furnished before the expenditure of the money. He deprecated entirely the practice of spending money before the Government came to the House for authority to raise it; for if such a system were persisted in, no one could say to what an amount the estimates might not eventually be swelled.

MR. H. A. BRUCE said, he was bound to say that his hon. Friend late the Under Secretary for War had correctly represented what took place on the subject of the Vote during the last Session. It was clearly then stated, on condition of the withdrawal of opposition to the Vote, that a statement of the object of the Government in proposing it would be submitted at a future time. But the opposition was not withdrawn, and therefore the pledge was inoperative. He felt quite convinced, if the scheme of the Government had been explained, the mortification or defeat they suffered the other night would not have taken place.

Ninth Resolution *postponed*.

Tenth Resolution *agreed to*.

SIR GEORGE LEWIS said, he had then to move that Vote 14 be re-committed in Committee of Supply on the following Thursday.

MR. WALPOLE said, he thought notice should be given by his right hon. Friend that he would, on Thursday next, move that the Vote be re-committed; then the House would have full opportunity of discussing it.

MR. SPEAKER said, the proper form was for the right hon. Gentleman to move that Resolution No. 9, which had been postponed, be taken into consideration on Thursday next.

SIR GEORGE LEWIS moved accordingly.

MR. T. G. BARING said, he had been able to refer to another discussion that took place last Session on the subject. The hon. Member for Windsor made a specific Motion that the sum of £15,000 should not be spent; but that Motion was declared to be not in order. On that occasion he said, what he now repeated, that there could be no charge of bad faith on his part; his undertaking being, that if opposition were withdrawn, no expendi-

ture would take place till the scheme of the Government was propounded. The opposition was not withdrawn, and when the hon. Member for Windsor asked him the following day, he gave no pledge on the subject; but he was perfectly ready to agree that the new system should not take effect before Midsummer, so as to give full time for the expression of opinion on the subject. He made that on the 28th of July, 1861.

MR. G. W. HOPE said, he must admit that he had been told on the occasion referred to that it was open to him to take the opinion of the House on the Appropriation Bill; but it would have been a simple absurdity to do anything of that sort when the House consisted probably of thirty-seven immediate supporters of the Government and three or four independent Members.

Motion made, and Question put, "That the Resolution which has been postponed be taken into Consideration upon Thursday next."

The House divided:—Ayes 143; Noes 105: Majority 38.

SIR. GEORGE LEWIS said, he proposed on Thursday to move to refer this Resolution to Committee of Supply, and there would then be one opportunity of discussion upon that Motion. If the House agreed to the Motion, there would be a further opportunity of discussion in Committee of Supply. The House would therefore see that there was no danger of its being taken by surprise. Perhaps it would be convenient now to give notice, that on going into Committee of Supply it was not his intention to propose Vote 15 that evening, inasmuch as it was more or less connected with the postponed Vote.

#### SUPPLY.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### THE INDUS STEAM FLOTILLA.

##### QUESTION.

COLONEL SYKES said, he rose to ask the Secretary of State for India, Whether he has taken Shares in the Steam Flotilla on the Indus, connected with the Scinde and Punjab Railway Companies on account of the Indian Government, in part payment of the price of Vessels proposed to be sold to the Steam Company by the Government, and whether he has guaranteed 5 per cent upon £167,000 to be raised as additional capital to complete the payments to the Government, and for other purposes? He had put his question on

*Mr. T. G. Baring*

the paper in consequence of his attention having been drawn to an official notice issued by the directors of the Indus Steam Flotilla Company in which the facts were so stated. The steam flotilla belonged to two railway companies, the Scinde Railway Company and the Punjab Railway Company, and it completed the line of communication between the termini of those two companies. Although the Government of India had guaranteed 5 per cent on £250,000 to enable them to put their flotilla upon the Indus, they had not been able to do so, and had therefore been obliged to ask for an additional guarantee on £83,000, at 5 per cent. Notwithstanding that, the undertaking was not complete. The Government had hitherto had vessels on the Indus; but, feeling that they were interfering with private enterprise, they had offered those vessels for sale. The Punjab Company had offered to buy, but had not the money to pay for them; so that an arrangement was made with the Secretary of State that he should receive the price of them in shares of the company. But even that acceptance of shares was insufficient. More money was required, and £167,000 was about to be raised on debentures, with a guarantee of 5 per cent by the Secretary of State; so that the company will have had no less than £500,000 guaranteed, at 5 per cent, by the Secretary of State. On the other hand, another body of capitalists, called the Oriental Steam Navigation Company, was formed in 1856 for the navigation of the inland waters of India. They resolved to begin with the Godavery, and they applied to the East India Company for a guarantee. The Court of Directors refused to comply with their request, but ultimately agreed to give them a subsidy of £5,000 per annum for ten years, provided they fulfilled certain specified conditions. They could not for a time carry out the conditions of their contract, but, by dint of persevering efforts, they were enabled last year to obtain their first subsidy. They had now several steamers on the Indus, and were placing others on the Ganges. They had also offered to buy the steamers and barges belonging to the Government for £45,000; but the Government refused to let them have the barges, in which it was usual on the rivers of India to carry freight in tow of the steamers. The Oriental Steam Navigation Company complained—and appa-



rently not without reason—that the advantages which had been denied to them had been granted to their rivals, to the prejudice of competitive enterprise. He therefore desired to put this question to the right hon. Gentleman, who, he hoped, would be able to state that the whole transaction was a myth; for it seemed to him incredible that the Indian Government should take shares in a commercial speculation, in opposition to the principles of free trade.

SIR CHARLES WOOD said, he was not about to follow his hon. and gallant Friend into the general question of guarantees. He quite admitted that, in the abstract, they were not in accordance with Free Trade principles; but there were peculiar circumstances connected with railway companies in India. The object in giving a guarantee in the case of the Steam Flotilla Company was really to complete a great line of railway, of which the navigation of that portion of the Indus formed a connecting link. Besides that, he found the guarantees referred to by his hon. and gallant Friend in existence at the time he had the honour of entering on the duties of the office which he now filled, and he had had no option in the matter. Coming to his hon. and gallant Friend's questions, and taking the last first, he had to reply, that the Government had not guaranteed 5 per cent upon £167,000 to be raised as additional capital for the purposes stated. No such proposition had been made to the India Office. With regard to the first question, the Government were bound to see those companies through some way or other; because as they had guaranteed 5 per cent to the shareholders, it was their interest to forward the undertaking, as the only mode of saving themselves from the payment of interest. If the companies could not pay interest out of revenue, the Government would be called on to pay it. In the particular case, the Government of Bombay arranged to sell certain vessels to the company, not having any further occasion for them themselves. Before he had sanctioned the agreement for the sale, another company had been communicated with, but they declined to say whether they would purchase the boats unless they had a previous loan of them for six months. Under those circumstances the sale to the Steam Flotilla and Punjab Railway Company took place. In this, as in the case of another railway company to whom ad-

vances had been made, by the Government, the Government thought that the best security they could obtain were shares, by accepting which they had put themselves in the position of shareholders of the company, and were entitled to any advantages that might accrue to them.

#### NAVAL TACTICS UNDER STEAM.

##### QUESTION.

ADMIRAL WALCOTT: I am desirous to call the attention of the Secretary of the Admiralty to a subject before which all others in my opinion sink into comparative insignificance. I mean the instruction of our officers in command of fleets or squadrons when engaging under steam. It occurs to me that a code of instructions and signals are absolutely necessary to secure that due preparation and uniformity of system so indispensably requisite in Her Majesty's fleets under the total change of circumstances in which we are now placed. The noble Lord is doubtless aware that a manual of this description has long since been drawn up by the French Minister of Marine, and that every officer is required to make himself conversant with it. What can we look forward to but disaster if we send fleets and squadrons into action without any clear or definite ideas of the duties of either admirals or captains? What should we think of an army in which the regiments were merely taught battalion exercise, but never brigaded or instructed in any manœuvres with large bodies of troops? And yet is not this exactly our own case at present? In my opinion we have everything to fear from the crude and discordant ideas of the generality of our own officers on this vital question, and the confusion which must inevitably prevail if some uniform system is not laid down for their guidance. Let me, therefore, most urgently entreat that the Admiralty will consider this as the point which most presses for immediate attention, and without which all our present efforts may become worse than useless. The Coast Guard now numbers from 4,000 to 6,000 men; and yet for some years past the ships on the books of which those men are serving or borne have not been at sea, and are consequently unaccustomed to the use of their "sea legs" aloft. All these Coast Guard ships might be sent to sea joined with the Channel fleet, and the service admitting of it, with a portion of the Mediterranean fleet, and go through the

evolutions of which I have spoken, either off Cape Finisterre, or otherwise, as might be selected—evolutions which are necessary and highly important for the welfare and honour of the profession to which I have the honour to belong.

#### THE ADMIRALTY COMMITTEE.

##### QUESTION.

SIR JAMES ELPHINSTONE said, he wished to ask Admiral Duncombe, When he intends to move for the re-appointment of the Admiralty Committee?

ADMIRAL DUNCOMBE said, the hon. and gallant Member seemed to take it for granted that he (Admiral Duncombe) intended to move for the re-appointment of the Committee, as his question merely asked "when" the Motion was to be made? He believed that, according to the usages of the House, the Motion for re-appointing a Committee was made by the Chairman of the Committee, or at his request. But however that might be, as an individual Member of the Committee, it was not his intention to make the Motion. It would possibly be in the recollection of the House that when the Committee was appointed he had objected to several of its Members being placed upon it. He had done so because he had thought it contrary to common usage, and to common sense indeed, that certain leading Members of the House, whose evidence would be essential before the Committee, should, after having given that evidence, return to the judgment-seat and pass judgment on the evidence they themselves had given. When the Committee was appointed and had commenced its labours, he had experienced great difficulty, not having the weight and authority of the chair, in conducting the business he desired to bring before it. Unfortunately Sir R. Dundas, whose loss was justly deplored, both by the service and the country, died shortly before he was about to be called as a witness, in which capacity he would have given evidence contrary to evidence previously given. Other members of the profession, upon whose evidence he (Admiral Duncombe) had relied, were appointed to offices which made their appearance as witnesses incompatible with the retention of office. Others were appointed to commands which rendered it impossible for him to summon them. He had no hesitation, too, in saying that several

*Admiral Walcott*

officers had shown a reluctance to attend before the Committee, though not having the most favourable opinion of existing arrangements. It would have been extremely painful to him to apply for a Speaker's order to compel the attendance of these gallant Gentlemen. Under those circumstances, and considering that it would be unfair to harass a public department by a Committee sitting throughout a whole Session, and constantly requiring information by returns and otherwise from the officers of that department, without any satisfactory result to the country, he had determined not to ask for the re-appointment of the Admiralty Committee.

MR. HENLEY said, his hon. and gallant Friend (Admiral Duncombe) had stated that it was usual for the Chairman of a Committee to move for its re-appointment. As Chairman of the Committee, therefore, he begged leave to say that he took no part originally in moving for its appointment; and as no instruction, nor anything like instruction, had been given by the Committee to him to ask for its continuance, he considered that he stood perfectly free from any responsibility in the matter. If the Committee had given him the slightest hint, or the least kind of instruction, that they wished it to be continued, he should have obeyed that instruction. He, however, did not consider it to be his duty, under the special circumstances under which he took the chair of the Committee, to call for a continuance of the inquiry.

#### WARRANT OFFICERS IN THE NAVY.

##### QUESTION.

SIR JOHN HAY said, he would beg to ask the Secretary to the Admiralty, If it is the intention of the Board of Admiralty to reduce the number of warrant officers in Her Majesty's navy by taking away boat-swains and carpenters from vessels with complements of 125 men and under; and if it is the intention of the Admiralty to make a considerable reduction in the complements of sea-going ships, and to ask him to state upon what principle that reduction will be regulated? It would be satisfactory to the navy to hear that there was no truth in the rumour to which the first part of his question referred. He feared that the duty would be inefficiently performed in the absence of the warrant officers, who were a most trustworthy and



valuable class of men. The duty of boat-swains and carpenters would have to be performed by petty officers. If these petty officers did perform the duty satisfactorily, then they were entitled to be warrant officers; and if not, then was the ship less efficient. If the want of cabin accommodation were the reason, the warrant officer would, he did not doubt, put up with smaller accommodation, and sleep in a hammock all the more comfortably with a warrant in his pocket than as a petty officer with the same responsibility and half the pay. He considered it unjust to the best seamen in the navy thus to narrow their chances of promotion. The second part of his question referred to the contemplated reduction in the crews of Her Majesty's ships. He quite agreed in the propriety of a reduction in the number of guns on board ships of war. But he must correct the noble Lord in his statement that this involved a reduction of armament; fewer guns of a more powerful character were being substituted for many guns of the old pattern, and the destructive power of the ship was increased rather than diminished. It did not, however, follow that it was necessary to reduce the number of men. An old rule was that a ship cost £1,000 a gun, but they must all acknowledge that that rule was now a fallacy, and so was the old rule that she ought to have ten men to every gun. But as it was now the custom to form Naval Brigades for service on shore in all our wars, which are more or less amphibious, it seemed necessary to have as many men as possible on board our ships of war. It was alleged that a reduction in the number of men was required for sanitary reasons; but not one assertion of that kind was to be found in the report of the Ventilation Committee. What was there recommended was a redistribution in the berthing of the crews. He perceived that the complement of the *Revenge*, the flag-ship of the Channel fleet was to be reduced by eighty seamen. Now her crew was 850 men; but of that number, subtracting officers, marines, and others not seamen, only about 450 were seamen; and it was therefore proposed to take away about one-fifth of her complement of seamen. Now, the noble Lord would agree with him that it was better to have one ship well manned than two badly manned. The old saying was especially true at sea, "Many hands make light work." He could not suppose that

the contemplated reduction was the result of the scarcity of men, after the speech of the noble Lord the Secretary of the Admiralty to his constituents. He viewed it, however, with considerable alarm, and he had no doubt his apprehensions would be shared by officers on both sides of the House. He believed that Lord Fitzhardinge resigned his seat at the Admiralty rather than consent to a reduction of this kind, and that Admiral Bowles had protested in a similar manner. It would therefore be a great satisfaction if the noble Lord could assure the House that it was not in contemplation to leave Her Majesty's ships without a complement fully sufficient to man them.

LORD CLARENCE PAGET said, that in answer to his hon. and gallant Friend the Member for Christchurch (Admiral Walcott), he had to state that the Admiralty were fully alive to the importance of instructing the officers of the Royal Navy in steam tactics, and they had of late years desired the admirals in command of squadrons to carry out as far as possible the systems devised for that purpose. The plan proposed by Admiral Elliot had, doubtless, considerable merits, but the gallant Admiral (Admiral Walcott) had omitted to mention that there exists already a system of steam tactics contained in the signal book of the navy. It was the opinion of many eminent authorities, that if that system were still further complicated, they would rather damage than otherwise the efficiency of working squadrons under steam. He would give no opinion on this point, but he would assure the gallant Admiral that the subject would not be lost sight of by the Admiralty, and the admiral commanding in the Mediterranean had been desired to make a report, not only with regard to Admiral Elliot's system, but that of other officers. He might also state, that soon after the equinoctial gales it was intended that there should be a steam squadron in the Channel, and that the very important subject of steam tactics would not be neglected. With regard to the junction between the Mediterranean and the Channel squadrons, he was not prepared to answer the question. If such a junction could be made without interfering with the other important services that were always required in the Mediterranean, no doubt it would be very desirable. In answer to the hon. Gentleman (Sir John Hay), he might state that the only vessels

from which it was proposed to take away the boatswain and the carpenter were a few vessels of the *Icarus* class. The hon. Member was not probably aware that to vessels containing 110 men or less only a gunner was attached, and that there was no boatswain or carpenter. All that the Admiralty were about to do was to extend that rule to vessels having 125 men. There were only four vessels of that class in commission and only ten vessels in the navy, and the change would therefore not have any great effect in reducing the prospect of promotion of warrant officers. His belief was, that the measure was positively called for, because these vessels were so confined below that there was not room for the warrant officers' cabins. The Admiralty proposed to make a small increase in the complement of seamen in these vessels. With regard to the reduction in the complement of the larger ships, all practical seamen were perfectly aware that it was very unadvisable that Her Majesty's ships should go to sea with peace complements. The Admiralty were of the same opinion, but they thought it desirable, as an experiment, that in line-of-battle ships and large frigates a certain reduction in the number of seamen should be made. This reduction, undoubtedly, had reference to sanitary considerations. But he was bound to add that they had vessels with heavier masts and yards and 100 men less than those in the ships in which the reduction of men was to be made, and yet no complaint was heard of any difficulty in handling them. He did not, therefore, anticipate that any complaints would be made from these vessels that they were short-handed, and that the work would be done in a slovenly manner. All he said was, "Wait!" The Admiralty only intended to try the experiment with a certain number of ships. If it were found that with the reduced complement the work was too heavy, and if the sailors complained that the work was beyond their strength, no doubt the Admiralty would revert to the old practice. But he was quite sure that the large ships were at present overcrowded, and one most important reason for the reduction was, that the Admiralty had reduced, not the armament of the ship, but the number of guns, requiring, therefore, a less number of men. He might further state, that although there was a certain loss of weight of shot per broadside, yet that when they came to shell practice, which was most important

where wooden ships were concerned, there had been an increase in the amount of explosive power in the shells. The explosive force of shells from modern guns was much greater than that from guns under the old system, and under all the circumstances he did not think the efficiency of the navy would be impaired by the reduction in the complements of men or of the number of guns.

#### AFFAIRS IN MEXICO.—QUESTION.

MR. HALIBURTON said, he rose to call the attention of the Government to our relations with Mexico; and to inquire of the Under Secretary of State for Foreign Affairs, Whether information has reached the Government that Mexican agents have been commissioned to fit out in America privateers, to operate against the commerce of this country; and whether measures have been taken either in anticipation or in consequence thereof? It was well known to every hon. Member of the House that for the last quarter of a century Mexico had been in a continual state of civil war. The peace of that country was constantly broken by armed partisans or ambitious aspirants for supreme power. War, almost to extermination, was waged, prisoners were put to death, property was confiscated by the successful party, whichever it might be. But, however deplorable might have been the condition of the natives, the position of foreign residents in the country was still worse. They were the objects of plunder to each party in succession, as it became predominant. What they were pleased to call forced loans were extorted from them, or, if they refused to contribute to them, they were cast into prison, and were denied all the protection which the administration of the laws in civilized countries provided for foreign residents. But of all the foreigners in Mexico, those who suffered most were the English, for two reasons—because they were better worth robbing as being richer than others, and also because it was known that their own Government would not interfere to procure redress for them. For years the British residents had called for redress, but had received none. When they appealed to the navy on the station, they were told that the commanders had no orders; and when the consuls reported to the Home Government, the only replies were threats that were never carried out and promises that were never fulfilled.



Even the specie trains that were convoyed by armed guards were stopped and robbed, travellers were murdered, and at last a consul was assassinated. For that outrage no redress was obtained, and then the house of another consul was attacked, and a large amount of property under his official charge was taken away. The commander of an English man-of-war was waylaid and nearly murdered, and at last matters reached such a pitch that the interests of merchants resident at home were affected, and then they pressed the matter upon the consideration of the Government. In former times the English Government had always been able, and not unwilling, to redress the wrongs of their subjects abroad; but times had changed, and that was no longer the case now. There was a feeling abroad that the English Government were not able, or, if able, were not willing, by themselves to redress the wrongs of English subjects abroad, and therefore in such cases always sought the aid of the bayonets of our neighbours across the Channel. That appeared to him to be a very inconvenient practice. He did not at all undervalue the importance of the French alliance, but still the bonds of alliance might be drawn too tight. A little time before we had a quarrel with the Chinese. It was a British quarrel, but French assistance was called in to obtain redress for the wrongs the British complained of. The inconvenience of the arrangement, however, was felt when our expedition was delayed by the incompleteness of the French arrangements. It was not pleasant, either, to read the questions that were put in the French Senate as to whether the English could be trusted in Mexico, nor the observations that they were tired of helping England to redress her grievances, and that the money spent in the Crimea and China would have been better employed in invading England. Still, the co-operation of the French in our enterprise against the Mexicans might be unobjectionable, and it was better that we should be acting together than fighting against each other. But there the alliance ought to have stopped; but it was judged necessary to have further assistance, and of all people in the world we selected the Spaniards for our allies—the very worst allies we could have chosen for such an undertaking, as every person acquainted with the feelings and prejudices of the Mexicans must have known. It appeared to be inevitable that all seceding colonies

should entertain feelings of bitter hostility towards the parent country. The Americans had retained not very amiable feelings towards ourselves, but the Mexicans entertained feelings of dire hatred towards all Spaniards, and yet these were the allies we had adopted upon the present occasion. The Spaniards maintained that the English had invited them to help, while here it had been stated that the offers came from Spain. But, not content with that acknowledgment of our weakness, and not believing that the united forces would be sufficient for the expedition, we had cast about for other allies, and applied, above all, to the Yankees to help us. Every one must be fully aware that the policy of the Americans had been quite different from ours. When they had any grievances in Mexico, real or fancied, they undertook to redress them for themselves. More than that, they had a doctrine, which they ostentatiously put forward—the Monroe doctrine—declaring that no European Power had any right to redress any grievances in America, or to meddle in the affairs of that continent, from the North Pole to Cape Horn. But when the Americans had a grievance against Mexico, they redressed it by annexing Texas. They also appropriated California, with its rich gold mines, and, besides this, had their eyes upon the rest of Mexico, when it suited them. So they said, “You are beating up for recruits against the Mexicans. But they are Republicans as we are. They break the laws and repudiate their engagements at pleasure as we do. Their liberty is exactly like ours—that is, every man may do what he pleases with reference to the law. It is only the case of the big eagle and the little one. So we must decline your offer.” Everybody must be pleased that such an offer met with such answer. Then the three Powers came to an agreement, like the class of persons of whom it was said that there was honour even among them. These honourable Powers agreed that there should be no “grabbing;” there was to be no monopoly of spoil; each was to behave like a gentleman and an honest man. Not one of the three seemed to trust the other two, so the agreement was reduced formally to writing, and was then signed and sealed. But somehow the first thing these honest people did was to quarrel. The Spaniards made a dash. They probably thought that the English were always slow, while the French were in the habit of ap-

propriating all the glory, 'So the Spaniards resolved to be beforehand, and to monopolize the honour themselves. When the Spaniards landed, the Mexicans naturally said, "Here are our old enemies. They are backed by the English and French. We are going to have a Spanish king set over us." They withdrew from Vera Cruz, relying on the pestilential season, which would, no doubt, prove their best ally, and perhaps make a second Walcheren of this expedition. They ordered the inhabitants, on pain of death, to abstain from any intercourse with the invaders; they destroyed all the provisions in the neighbourhood, and retreated to points where they could meet the enemy. Really one could hardly credit that a Government like our own—an honourable and a manly Government; one conspicuous for ages all over the world for its truth and probity, and the fulfilment of its engagements—should have sent to Mexico as their fore-runners repudiating Spaniards, who had been driven away from all the great exchanges of Europe for their bad faith in money matters. However, so it was. The Spaniards were sent to preach financial honesty to the Mexicans, and to tell them what a dreadful thing the repudiation of debt was. Now, one of the questions he wished to ask was, what are the relations of this country with Mexico. "Are we at peace or at war?" If we are at war, where was that old-fashioned proclamation which every Government of honour and probity felt bound to issue before they invaded a nation with whom they were at peace? He looked in vain for a proclamation of war; but he found a peace manifesto, which looked as though it had been copied from the Chinese, one of the most bombastic, inflated, high-stilted documents ever penned. That peace proclamation was backed, of course, by some rifled cannon, a few thousand soldiers, and a very large fleet. It told the Mexicans that the allies had come for their good; very much like some German ladies, in the reign of George II., who told the English people, "We have come for all your goods." So the Spaniards said they had no private objects to serve. They only wished to assist the natives in forming a good Government. At the end of the proclamation were these remarkable words, "All this is quite true." Surely every Englishman must feel a blush of shame at the necessity of such an attestation, showing as it did a consciousness that the word of those

who framed the document was not likely to be taken. There having been no proclamation of war, were we at peace with Mexico? This could hardly be; for if taking armed possession of one of the largest fortresses in America was not a state of war, he hardly knew the meaning of the word. Suppose, for instance, that a large fleet and army from Cherbourg took possession of Southampton, and the commanders said, "We come as friends; we have some little grievances to complain of; but we won't settle them here; we will go to London to do that." This would be a parallel case to the joint possession of Vera Cruz. He should not omit to mention that in this proclamation the Mexicans were told that they must pay for the coming, the going, and the staying of the allies. And, besides this, each of the high contracting parties had a separate bill of items. The English bill was "To murdering a consul," so many pounds; "To stealing so much money from another consul;" "To shooting at a commodore and breaking his leg," so much; and so on. Each of the three Powers had a nice little account current; and he asked again, was this state of things war or peace? Evidently the Spaniards thought it war, because General Prim had congratulated his troops upon the great victory they had obtained. That was very much like some other victories of which we had recently heard a good deal, in which one man was killed, two wounded, and several hundred frightened. At Vera Cruz however no one was killed or wounded whatever, yet the Spaniards were congratulated in that magnificent style, and victory there was. The allies divided the fortress between them, each having a quarter, and the English were put into one quarter so filthy and pestilential that it was impossible to describe it without disgust; and if his information were correct, the troops were already suffering from yellow fever. The allies were divided in their counsels; some were for going up to Mexico, some for embarking their troops. At all events, the landing in the country to insist upon the fulfilment of promises of redress, whatever terms might be used with regard to it, was a state of war. And then came all those belligerent rights that appertained to war, and among them the right of issuing letters of marque. Not being a party to the Convention of Paris, the Mexicans had all the rights which existed before the convention. Now, he wished to ask whether information had



reached the Government that there were Mexican agents in the United States having commissions to fit out privateers to prey upon English commerce; if such information had reached the Government, what measures had been taken to prevent that conduct; and if such information had not reached them, whether any steps would be taken in anticipation of such an event? It was very easy to say that by the law of nations privateers could not be fitted out, because, as the coast was occupied by the English fleet, no privateers could sail from any Mexican port, and they would have no right to sail from a neutral harbour. But what reason had people to say that the Americans would not allow it, for their international law was not the old international law of Europe, which they held to be as antiquated as the nations which acknowledged it, but a law which they laid down for their own guidance. Therefore there was no security, unless a strong effort was made by the English Government, that the Americans would regard the law of nations; and anybody who knew anything of the people of the States would know what pleasure would be felt at the fact of a privateer, nominally commanded by a Mexican, catching English merchantmen on the coast of Mexico. He had seen the statement which he had mentioned in American papers—they were not a very good authority, but if they knew anything at all they must know what was going on in New York; and what made him more anxious was that our colonists were afraid of it, and they knew what was taking place at the other side of the water much better than we did.

MR. LAYARD said, he thought that his hon. Friend had touched rather lightly upon the real cause of the expedition to Mexico. There were far more grievances to complain of than those mentioned by the hon. Member. Not to go very far back into Mexican history, it would suffice to say that three or four years ago a party known as the Church party possessed the Government, which recognised as their principles the utmost intolerance, and as their cry "Death to foreigners." The papers that had been laid on the table would show in what manner those principles were carried out, and how that cry succeeded. He need scarcely remind the House that an English consul and a French consul had been murdered; that after one victory every officer taken, and they were fifty-three in number, were

barbarously put to death. And not only that, but the medical men who had remained to attend on the wounded, relying on the respect universally paid to those engaged in this task of humanity, had been taken out and shot. Among them was a Dr. Duval, for whose murder compensation was demanded by the English Government. So infamous was the conduct of the authorities, that Mr. Mathew, Her Majesty's Chargé d'Affaires at Mexico, was compelled to leave the capital. Before he did so, he placed a sum of 660,000 dollars in a room in the British Legation, and set his seal on the door, trusting that it would serve as a protection to that property. He had scarcely left the capital, when the authorities violated the seal, broke open the room in the Legation, and plundered the whole of the money. That money was money which had been paid to the English bondholders. At that time what was called the Constitutional party, at the head of which was Juarez, was established at Vera Cruz; in a short time they extended their authority over the greater part of the republic, the capital and the surrounding territory alone remaining in the hands of the Church party. The British authorities opened communications with this so-called Constitutional party; and Captain Dunlop, an officer in the British service, entered into a formal convention with Juarez for the payment of certain debts due to British subjects, and for the settlement of certain claims. A portion of the customs dues of the ports of Vera Cruz and Tampico were assigned to the liquidation of those debts. That convention was concluded in the time of the Earl of Derby's Government, and was by them accepted and ratified; but not having been fully carried out, it was succeeded by another, also signed by a British officer, Captain Oldham. At that time the Constitutional party were full of promises. They expected to get back to Mexico, and were willing to undertake to satisfy all the claims the British Government had upon them. But as their successes increased, they began to neglect their promises. In a short time a considerable sum of money, 400,000 dollars, which also belonged to British bondholders, was stolen, by persons of high rank in the employment of the authorities. It was the custom in Mexico to send down convoys from the interior to the coast, under an escort, which was called a *conducta*, to afford protection against the

- (5.) £35,633, Pensions for Wounds.  
 (6.) £33,923, Chelsea and Kilmainham Hospitals.  
 (7.) £1,156,380, Out-Pensioners of Chelsea Hospital, &c.  
 (8.) £143,364, Superannuation Allowances.

LORD HOTHAM said, he would take that opportunity of asking when the Miscellaneous Estimates would come on. The Navy Estimates had been passed in two evenings, and now the army in very little more. That was expedition quite unexampled in the history of Parliament. The noble Viscount at the head of the Government would remember when he was Secretary for War that the Army Estimates occupied twenty-one nights. He (Lord Hotham) would suggest, looking at what was nightly the state of the House, that the Miscellaneous Estimates might also be brought on and be disposed of with as little delay as the other two. There was a very general disposition on the part of all Members, for reasons which were very well understood, not to engage in any controversial debate during that Session, and therefore there was no reason why all the practical business might not be finished before Easter. The only heavy Bill was in the Lords, and would not take long in that House. There was no use their coming there night after night with nothing to do, and therefore if the Government would be so good as to let them have the Miscellaneous Estimates without delay they might soon be disposed of, as nobody was inclined to obstruct the progress of business. If something of the kind were done, hon. Members might occupy the remainder of the year much more agreeably than coming there night after night to do nothing. From the state of the House every evening, the Government enjoyed facilities for carrying financial measures through which they never had had before.

SIR GEORGE LEWIS said, that seeing the disposition of the House to proceed with the transaction of business, it was with great reluctance that he had found it necessary to ask hon. Members to reconsider one of the Votes on Thursday next. That Vote would probably give rise to some discussion; and another Vote, No 15, had been postponed, and would still require the attention of the House. However, he hoped that to-morrow the Estimates for the Revenue Departments, and also for the Post Office, would be in the hands of hon. Members, and it was the intention of

the Government to propose to go on with those services after the two remaining Votes with respect to the army should be disposed of. As to the remaining Estimates of the Civil Services, he hoped that they would be in the hands of hon. Members in the course of the week.

House resumed.

Resolutions to be reported *To-morrow*.  
 Committee to sit again on *Wednesday*.

#### OFFICERS' COMMISSIONS BILL.

##### COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 *agreed to*.

Clause 2.

SIR GEORGE LEWIS said, the hon. Member for the King's County had given notice of an Amendment, with a view of showing that it was competent to Her Majesty's Government in Council to make the alteration which this Bill proposed to accomplish. He held in his hand a very long list of Acts of Parliament—with which, in the absence of the hon. Gentleman, it would not be necessary for him to trouble the House—and they would have shown him that his view was not founded on law; and that in the case of any alteration similar to that proposed by the Bill—of which there had been many examples in former times—it had always been made by order of Parliament.

Clause *agreed to*, as were the remaining Clauses.

House resumed.

Bill *reported*, without Amendment; to be read 3<sup>d</sup> *To-morrow*.

#### TRADE MARKS BILL.—SELECT COMMITTEE.

MR. MILNER GIBSON *moved*, that the name of Mr. POTTER be added to the Select Committee on this Bill.

Motion *agreed to*.

MR. CRAWFORD *moved* that Mr. MOFFATT be added to the Committee.

Motion made, and Question proposed, "That Mr. Moffatt be added to the said Committee."

MR. ROEBUCK said, he objected to the number of the Committee being increased, and he should therefore oppose the Motion. It would have been churlish on his part to refuse compliance with the request of the President of the Board of Trade, who had shown a most temperate



and conciliatory spirit. But to enlarge the Committee unnecessarily would embarrass its operations; and the appointment now proposed was further objectionable because it introduced the element of personal interests, which must be productive of disagreeable controversies.

MR. MILNER GIBSON said, he had originally put the name of Mr. Moffatt down as a Member of the Committee, because he represented the interests of the vendors, who had made him their mouth-piece; and vendors were much interested in the question of trade marks, because they might innocently sell goods which had fraudulent trade marks upon them. He had afterwards taken off the name of Mr. Moffatt, because an hon. Gentleman behind him, who made a speech against the Bill, wished to be upon the Committee. As a general rule, he concurred with the hon. Member for Sheffield that it was undesirable to enlarge Committees, but he thought Mr. Moffatt might fairly be regarded as representing the interests of vendors.

MR. SOTHERON ESTCOURT said, he thought that the proposed was not a convenient mode of forming a Committee. If the hon. and learned Gentleman objected to the name, he should support him.

VISCOUNT PALMERSTON said, it was true that, as a general principle, it was not advisable to add to the original number of a Committee, but it must be admitted that Mr. Moffatt would be a valuable addition. He hoped that the hon. and learned Gentleman would not divide the House.

MR. ROEBUCK: Why break the agreement?

MR. MILNER GIBSON said, he thought that he had suggested to his hon. and learned Friend that it might be desirable to add other Members to the Committee.

MR. FRANK CROSSLEY said, he should support the addition of the hon. Member for Hinton to the Committee.

MR. KINNAIRD recommended the adjournment of the debate.

SIR GEORGE LEWIS said, that as there was not a sufficient number of Members present to make a House, he would move that the debate should be adjourned.

MR. ROEBUCK said, that when his right hon. Friend wished Mr. Potter's name to be put on the Committee, he said to him (Mr. Roebuck) that he had better put another name on, in order to balance that of Mr. Potter. He (Mr. Roebuck) replied

that it would be better not to do that, for he had no objection to Mr. Potter.

MR. MILNER GIBSON said, he left the hon. Member under the impression that there would be no obstacle, if desirable, to add another Member or two to the Committee.

Debate *adjourned* till Thursday.

House adjourned at a quarter after Eight o'clock.

## HOUSE OF LORDS,

*Tuesday, March 11, 1862.*

MINUTES.]—PUBLIC BILL.—2<sup>a</sup> Lunacy Regulation.

### LUNACY REGULATION BILL.

#### SECOND READING

Order of the Day for the Second Reading read.

*Moved*, That the Bill be now read 2<sup>a</sup>.

LORD CHELMSFORD said, he trusted he should be permitted to trespass on their Lordships for a short time whilst he stated the strong objections which he entertained to the provisions of the Bill. His noble and learned Friend remarked with much truth the other night, in introducing the Bill, that a defective state of the law was frequently allowed to remain unremedied until some extraordinary case arose which brought the evil into prominence; and the noble and learned Lord then alluded to the late Windham inquiry, which had excited so strong public feeling and which, he said, rendered it desirable that some change should be made in the existing law of lunacy. But he (Lord Chelmsford) was anxious that, in yielding to that public demand, their Lordships should carefully consider every step which they took, and should not commit themselves to hasty and ill-advised legislation. The circumstances which seemed to attract most public attention and to provoke most comment in that case were the enormous length of the proceedings and their consequent expense. For the purpose of preventing the recurrence of such evils in future, it was proposed by this Bill that for the future all jury trials should be taken before one of the Judges of the superior courts instead of before a Master in Lunacy. He had very considerable doubt whether it would be practicable to adopt such a course, or whether, if adopted, it

would provide a remedy for the alleged evil. Now that some time had elapsed since the close of the Windham case, he believed it was generally acknowledged that there was not the slightest complaint to be made against the manner in which his learned Friend the Master in Lunacy conducted that inquiry under the very trying circumstances which surrounded the case. He had read the summing up, which was clear, able, and impartial, and which defined the limits of the inquiry in a manner which, if it could be equalled, could not be excelled, by any one of the Judges of the superior courts. What advantage was expected to result from the substitution of a Judge for a Master in Lunacy? In the case to which he had been referring the speeches of counsel occupied eight days, and the evidence the remainder of the time, with the exception of a few hours, which were taken up by the summing-up of the Master. Undoubtedly, a Judge of one of the superior courts might have a moral influence over counsel which might check the length of their speeches and prevent the production of trivial evidence; but he very much doubted whether in an inquiry of so delicate a nature as one in Lunacy any Judge would venture to interfere with the discretion of counsel or to express prematurely any opinion as to whether evidence already offered was sufficient or not. He believed that the substitution of a Judge in all cases would be impracticable. In the metropolis it might be possible to obtain the attendance of a Judge; but the majority of cases occurred in the country, and how was it possible for a Judge of Westminster Hall to go down into the country for the purpose of conducting an inquiry? Was he to go, attended with all his paraphernalia, to the residence of the lunatic or to some neighbouring tavern, and there hold his court with all pomp and circumstance; or was he to go with no train accompanying him except his own judicial character? If he went in the former style, there would be a wholly idle and unnecessary parade; if in the latter, he would be only the Master under a higher title, and without the practical experience which the Masters necessarily possessed. If the Master in Lunacy was to be superseded, why not require the Lord Chancellor or the Lords Justices to preside at the investigations of this description? The noble and learned Lord upon the Woolsack said that the same idea had occurred to him, but he

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was apprehensive that the minds of these Judges might be biassed by their having had the affidavits before them. If there was any weight in that objection, however, it would apply to every criminal trial in the country, because the Judges were always supplied with the depositions. He ventured to ask whether any change of this kind was really required at all? We had an admirable code of Lunacy law which was passed in the year 1853, for which we were indebted to his noble and learned Friend (Lord St. Leonards), and which had produced an immense amount of advantage to persons who stood in need of its interposition, without harrowing the feelings of their families. He did not hesitate to say that that statute had worked most efficiently. He had inquired specially as to the subject of Commissions of Lunacy, and had ascertained that since the Act came into operation on the 28th of October, 1853, down to that day 561 commissions had been issued, of which only twenty had been tried by juries—or scarce so many as three in the year. The beneficial effects of the law were shown by the 541 cases in which no jury was required, but in which the necessary protection had been thrown around the unhappy subjects of these inquiries without the feelings of any of the parties or relatives being harrowed by publicity. Let the House imagine the social evil and suffering which was in those cases veiled from the eye of the public. Was it desirable with a rash and hasty hand to touch a system which had been productive of such beneficial effects? It might be said, however, that this measure did not apply to the 541 private cases, but only to the few public trials. He might answer that if the cases were so few, there was the less necessity for an alteration; but he believed that the Bill would tend greatly to increase the number of inquiries by jury. It was a very common characteristic of insane persons to have a very exalted idea of their own importance; and if they learnt that the Legislature had thought it necessary to provide that one of the Judges of the Superior Courts should consider their cases, he had no doubt many of them would prefer the notoriety of a trial before a Superior Judge to the secrecy of a quiet and unpretending inquiry before a Master in Lunacy. No necessity had been shown for this change; no proof had been adduced that the Masters in Lunacy had not



discharged their duties faithfully and efficiently; and therefore he entreated their Lordships not to sanction an interference with the present system. The seventh section of the Bill gave the Judge a discretionary power as to the stage of the proceedings at which the alleged lunatic should be examined, and whether it should be in public or private. As that was the present law, he saw no necessity for its re-enactment, unless it were for the sake of adding a provision, that if the alleged lunatic were examined in private, he should be at liberty to demand a public examination as well. The object of that additional provision was doubtless that the public might stand by and see fair play; but he apprehended it would lead to the most fearful consequences. It was a very common form of insanity for a person of the most delicate mind to become possessed with the most obscene imaginations, which he uttered not only without shame, but with a sort of pride. It was also by no means rare for a lunatic to conceive the deepest hatred to those who had formerly been dearest to them, and to attribute the most abominable crimes to other people. Was it right, then, that a madman should be entitled to insist upon appearing in a public court and pouring forth a torrent of blasphemy, obscenity, or defamation? He recollected a case in which a military gentleman entertained the most dangerous delusions; he was of an educated and elegant mind, but he was led by insanity to intersperse letters full of exquisite criticism on art, and just comments on topics of the day, with obscene ribaldry concerning the highest person in the land. Would it be safe or decent to allow persons with these imaginations and feelings, with no sense of the impropriety of their conduct or expressions, glorying in the display of their observations, and insisting on making a public exhibition of themselves to be examined in public? At present inquiries of that kind were conducted with the utmost delicacy and tenderness, and every effort was made to soothe the mind of the alleged lunatic; but the very excitement of a public examination would be likely to touch the particular string to which all his hallucinations responded and to aggravate his insanity. He was satisfied that the provision would be attended with the most mischievous effects, and he hoped it would not pass. He objected also to the third clause, by which an inquiry

into the state of mind of the alleged lunatic was to be confined to a period of two years before the date of the commission, because, in various cases, it would be scarcely practicable. It might, for instance, preclude an inquiry into the condition of a born idiot. Why was the clause of the existing Act to be repealed which gave the Lord Chancellor power to direct an inquiry as to how long the alleged lunatic had been of unsound mind, or whether he was insane at a specified time? He knew a case in which a person who was afterwards found to be a lunatic executed a deed by which he disposed of all his property in favour of the son of his attorney. On that fact being mentioned in the petition for a commission, the Lord Chancellor directed an inquiry to take place as to the man's state of mind anterior to the time when the deed was executed. The result was that the jury found that the person had been insane from a time anterior to the date of the deed. The matter came back to Chancery; but the parties compromised upon the persons in possession being let down gently with respect to the rents which they had received. Why was the provision of the law, permitting inquiries to be carried back to any particular incident, to be limited by a clause, the exception in which was larger than the clause itself, because the Judge before whom the commission was executed was to have power, if he should think fit, to direct inquiries beyond this arbitrary rule? Wherever an arbitrary line was drawn it would be sure to exclude evidence of the utmost importance lying on the other side of it; and he therefore submitted that a limit, subject to be overruled by the Judge or Master, was extremely mischievous, and at the same time wholly unnecessary. With regard to the other provision in the same clause, which excluded the opinions or conclusions of medical practitioners, with the same qualification, that if the Judge thought fit, their opinions might be taken, it seemed to him that these cases were peculiarly fitted for testimony of this description, and that in every case the Judge would admit it, with a due caution to the jury not to pay attention to the conclusions if they were of opinion that the grounds upon which those conclusions were based were insufficient. There was another clause which, if he had not entirely misconstrued the words, would considerably enlarge the jurisdiction of the

Lord Chancellor in these cases. Under the Roman law where a person exhibited prodigality or proneness to waste his estate the Prætor interposed and appointed tutors or curators to manage the property. In Scotland there was a similar power of intervention. But in this country the law had never so far interfered with the free agency of individuals, and any man might go to utter ruin, unchecked, unless his acts manifested unsoundness of mind. There was some misapprehension with regard to the extent of the power of the Chancellor in these cases. People were apt to suppose that absolute insanity must be proved in order to warrant the issue of a commission; but the law had been clearly stated by Lord Lyndhurst in 1827, quoting as an authority the decision of Lord Eldon in 1802, in these words—

"It is not necessary to go back to old authorities to know how the law is now to be administered. It has been clearly expressed, by Lord Eldon in '*Ridgway v. Dawson*.' 'I have reason,' says Lord Eldon, 'to believe that the Court did not in Lord Hardwicke's time grant Commissions of Lunacy in such cases as those in which they have since been granted. Of late the question has not been whether the party is absolutely insane, but the Court has felt authorized to issue Commissions, provided that it has been made out that the party is unable to act as a prudent man in the management of himself and his affairs.' This law, as stated by Lord Eldon, has been acted on for years in the view of the Legislature. The Legislature has not thought fit to interfere, and therefore I take the law to be as it was then expounded."

The law, as so laid down by Lord Lyndhurst, applied to cases short of insanity; but they must be cases of unsoundness of mind, and extravagance or follies which indicated imbecility would not be sufficient unless the imbecility amounted to unsoundness of mind. The interpretation clause said the Act should apply to any person, imbecile or lunatic, whether with or without lucid intervals. He need not stop to criticise the expression, beyond remarking that a lunatic was a person who had lucid intervals. The clause proceeded to refer to any person "of such imbecility or loss of mind as to be incapable of managing his affairs." The term "loss of mind" was entirely new to the law. He hardly knew the meaning of it. If it were a translation of *amentia* as distinguished from *dementia*, it did not apply to imbecility, which was mere weakness, and not loss of mind. The fifth section referred to every inquisition whereby a per-

*Lord Chelmsford*

son should be found to be incompetent, from unsoundness or imbecility of mind, for the management of himself or his affairs. The words "unsoundness" and "imbecility" were not words denoting the same state of mind; they were terms denoting different states of mind; and if they read the interpretation clause with that section, either the fifth section adopted the law as it stood, which was unnecessary, or it enlarged the bounds of the present law, and was therefore dangerous. Under the existing law no person, however extravagant, foolish, or prodigal, could be made the subject of a Commission of Lunacy, unless his acts were such as to lead a jury to the conclusion that he was of unsound mind, and a verdict founded on imbecility or weakness of mind only would be set aside as contrary to law. In very many cases the jurors would hesitate very long before bringing in a verdict of unsoundness of mind, when the evidence of early extravagance and prodigality might be such as to compel them to come to a verdict of weakness of mind; and, as he understood the clause, by a verdict of that kind the subject of the inquiry might be condemned to lose his free agency and the management of his own affairs, and to be detained in a life-long bondage. These were matters of perilous importance; and he should be glad to hear that that was not his noble and learned Friend's proposal; but if it was not, the Bill would require very great alteration. He had gone through the matter with a very earnest anxiety that their Lordships should understand his objections. He hoped his noble and learned Friend would consent to remove from the Bill in Committee the proposals to which he had taken objection; but if that course were not taken, and the Committee should pass the clauses, he should probably feel it necessary, should he find that the views which he had expressed met with any very general assent from their Lordships, to endeavour to secure their rejection at a future stage.

THE EARL OF SHAFTESBURY said, that it would be presumptuous in him to enter on the legal bearings of this question after it had been handled by so many noble and learned Lords who had held the high office of Lord Chancellor; but, having had considerable experience of the working of the present law, he might, perhaps, be allowed to express an opinion with reference to certain of the provisions



contained in the Bill. He highly approved that clause which provided that the Judge and jury should be brought into contact as soon as possible with the person whose state of mind they were to inquire into. That was stated to be the law already, but it ought to be the practice and to be made compulsory in all cases. All the experience which he had had convinced him that before any evidence was taken the parties who were to judge ought to be brought into communication with the alleged lunatic, to see, and hear, and examine him; and having then ascertained by inquiry the principal points of the alleged delusion, they might take such evidence as was necessary to determine the question whether he should be detained or not. After such an interview they would understand the evidence much more clearly and readily, and would come to a much more satisfactory and safe conclusion. He hoped that would be made the invariable rule hereafter, and he was convinced that it would supersede, not the necessity—for there never had been any such necessity—but the practice of hearing long and laboured speeches from counsel, and would thus lead to the saving of much time and money. He also approved the limitation of the time over which the inquiry was to extend to two years. The question which the Judge and jury had to decide was one of fact—whether the man before them was insane or not at the period of the inquiry; and if he were proved to have been mad more than two years before, it would by no means establish the fact of his madness now. Nothing which he had done antecedently could amount to proof enough to justify the jury in declaring him insane at the present moment, and to take from him the charge of his property. It was necessary that they should go back; but it might be asked why should that limit be taken? No doubt two years was an arbitrary period, but so must any other period be which was fixed. In cases where there was no sort of doubt as to a man's madness, of course there was no necessity to go back at all; but in doubtful cases it was necessary to go back for some time, to see whether his conduct had been regular or not during that time. If up to the time of the inquiry they found that his conduct had been regular, the conclusion must be that very unusually strong and clear evidence was required to prove the unsoundness of the patient's mind. In most cases the

period of two years would be quite sufficient for this purpose; but to go travelling back over a long period to scrape together all the foolish things said and done by a man in his early days—all the little acts of misconduct which might indicate a certain amount of alienation of mind, but which time, improved health, or the influence of religion might have altogether removed, was an absurd and cruel practice. There was one form of insanity which would require more attention, and his noble and learned Friend (Lord Chelmsford) had truly said that in these cases the limitation must depend very much upon the character of the person whose sanity was under investigation; that in which the patient had given signs of some tendency to self-destruction, or the destruction of others. That was monomania—the most terrible of all kinds of insanity, and this kind of monomania might remain latent for many years. A patient might appear to be of the most gentle mien; he might have every single thing which would recommend him to those about him, and bring them to the conclusion that he ought to be discharged; and yet suddenly, without the slightest premonitory symptom, it would break out again in the fiercest form. A case had occurred not long ago within his own experience. There was a patient—a barrister—confined in one of the asylums which he was in the habit of visiting, whose disease took the form of a tendency to self-destruction. He had been confined there for five years, and his demeanour was so gentle and amiable that he won over the hearts and judgment of every one around him. At last it was determined that he should have a trial—that is, that he should be allowed to go out for a short time to see whether change of air and scene might not have a beneficial effect on him. He had passed a great part of his time in reading and writing, and one day he requested that a desk which he had at home might be written for. The desk was sent and given to him, and in the course of a few hours he was found poisoned. He knew that five years before he had secreted poison in the desk, and he took it the moment it arrived, only just leaving himself time to write a note, in which he said that no one was to be surprised at what had happened—that no extraordinary circumstances or events had induced him to do this, but that he had long contemplated the necessity of it. In such cases as this

the period of two years would certainly not be sufficient. Then another point was that of the medical evidence. He did not know that medical gentlemen—he said it with all respect—unless they had made insanity their special study, were more qualified to judge of the soundness or unsoundness of mind of a person, than any person of common sense and practical knowledge of the world. Mere opinions and scientific speculations ought no longer to be adduced in the courts as testimony. Whatever evidence was given by a medical man should be facts, and judgment based on those facts. From his own experience of many years on the Commission of Lunacy he could affirm that medical men who had not made the subject a special study were as ignorant of mental disease as any one who observed it for the first time. It was to facts, and facts alone, they must look. He thought it a monstrous thing that a medical man should infer, because a person had a cast in his eye, or a particular-shaped head, that he must be insane, when, in fact, he commits no mad act at all. In every case medical men could be brought forward who would give contrary opinions on the same premises. Facts observed by himself ought to be the basis of the evidence of the medical man. He maintained that persons of common sense, conversant with the world, and having a practical knowledge of mankind, if brought into the presence of an alleged lunatic, would find out, in a short time, whether he was, or was not, capable of managing his own affairs. He perfectly well recollected an instance that showed how little many eminent medical men were acquainted with what was going on in the world, and how they formed an opinion and came to a conclusion without any foundation in fact. When discussing the question of the sanity or insanity of a lady, he (the Earl of Shaftesbury) strongly maintained that she was perfectly sane and capable of managing herself and her affairs; a medical man of great eminence took him aside, and said, “Are you aware, my Lord, that she subscribes to the Society for the Conversion of the Jews?” Had that medical gentleman been acquainted with what was going on in the world, he would have known that hundreds and thousands of persons of the most sane and solid description were doing the same thing. In the case of another, a young married lady, it was argued that

*The Earl of Shaftesbury*

she must be insane because she was in the habit of wearing a dagger at her side, and the dagger was produced. He told the lady that one of the charges against her was that she wore a dagger. “Dear me,” she said, “if I am insane for that reason, nine-tenths of the ladies in Paris are insane too, for they do the same.” He took the dagger to a shop in London and inquired into the matter. He was told that they had sold seventy of the same sort within a few days; that wearing them had become a fashion in Paris, and was becoming the fashion in England. Yet, a person calling himself a mad doctor said the lady must be insane, because she wore a dagger. That a medical man should be allowed to be in court, hear all the evidence, and on that be allowed to state the conclusion to which he had himself come, he thought was a vicious practice. He did not believe that the opinions of medical men, founded on evidence they had heard, was evidence at all; but it was likely to produce a very serious effect on the Master, the jury, or the Judge. It was a wrong method. Could anything be more remarkable than the discord that existed between all these doctors on the subject of insanity? They did not agree among themselves, they were perpetually at variance with each other, and they would find the strongest, most discordant, and dangerous opinions given by medical men. He thought the noble and learned Lord on the Woolsack had done well in requiring the medical testimony to be founded on facts, and providing that general scientific conclusions shall not be received as evidence. He had also done well and most humanely in what he proposed respecting the management of the property of lunatics. That system was begun in 1853 by the noble and learned Lord (Lord St. Leonards) when he was Lord Chancellor, who had done great things for the happiness and comfort of the poor lunatic. Amongst other things the Act directed, that where the property of the lunatic was under £500, it should be brought under the protection of the Court of Chancery, to be applied for the benefit of the lunatic. That was seven years ago; it was now time to advance somewhat further, and by the present Bill it was proposed to apply, in a summary manner, property to the amount of £1,000, or an income of £50 per annum, for the benefit of the lunatic, without making it necessary that the patient



should have been declared lunatic by an inquisition. It was impossible that such an inquiry could take place at a less cost than £70, and £70 out of £1,000 was a grievous infliction. He hoped it would be made possible for some person to be appointed by the Lord Chancellor to stand in the place of the lunatic, to manage his property. If a small tradesman, whose profits did not exceed 15s. or 20s. a week, were confined as a lunatic, his property and business went to ruin because there was no one to administer them. If a proper person were appointed to stand in the shoes of the lunatic, it would tend very much to assist his remedial treatment in the asylum. It was proposed to have two medical visitors in addition to the legal visitors. He hoped those visitors would be required to visit every lunatic four times a year. Due visitation was not only of beneficial effect to the patients, but to the keepers of asylums. These were the principal provisions of the Bill. There might be some legal difficulties connected with it, some of which the noble and learned Lord (Lord Chelmsford) had pointed out. Upon these he did not feel competent to enter; but though the Bill was not perfect, yet he ventured to say that under its provisions this wretched and unhappy class would be better treated and cared for than the same class in any part of the inhabited globe.

THE LORD CHANCELLOR: My Lords, When I introduced this Bill, I stated that it deserved your Lordships' most attentive consideration. I am not at all surprised, therefore, that it has been criticised by my noble and learned Friend (Lord Chelmsford). But I now beg your patient attention while I call your Lordships back again to the subject, while I endeavour to answer the objections he has made. The noble and learned Lord first dwelt on the impropriety and the want of any necessity of sending an inquiry of this nature before one of the Judges of the land. But can your Lordships imagine any issue or any inquiry more important to the unfortunate subject of it than an inquiry into his sanity? And if these important cases are tried in a private room, before persons of an inferior grade, there is an anomaly of which we have no example and no justification. But I am surprised at the shortness of the memory of the noble Earl (the Earl of Derby) and of my noble and learned Friend, the latter of whom criticised the Bill and the former cheered the criticism.

For myself I claim no merit for the proposal, that where a jury is demanded the inquiry shall take place before a Judge; because, in a Bill which I now hold in my hand, and which in March, 1859, was presented to the House of Commons by Sir Hugh Cairns, then Solicitor General, and Mr. Secretary Sotherton-Estcourt, the same proposal is contained. Now, I presume that the Bill received the attention of the noble Earl, and also received some consideration from my noble and learned Friend who was then Lord Chancellor. No doubt the interval of time may have led to a change of opinion; but, at all events, such a provision was then considered by them, and then thought most desirable; and being glad to find my own opinion backed by such high authority, I introduced this provision into the present Bill. But I will now meet the objections which my noble and learned Friend has unwittingly raised against his own measure, being apparently desirous of finding grounds for opposing mine. First, he says there would be a difficulty in having an inquiry of this kind before one of the Judges, because it ought to take place near the residence of the lunatic. But in all the cases which have occurred for the last twenty years where a jury was demanded, it has constantly happened, not where the lunatic was some poor unfortunate wretch shut up in an asylum or confined to his bed, but they were cases in which there was a doubt about the lunacy, and where the person in question moved about unrestrained, and was able to attend the commission. Such was the case of Mr. Windham, of the aged woman Mrs. Cumming, of Sir Henry Meux, and of Lord Portsmouth; and I believe that all the great trials which should have been conducted under the superintendence and authority of a superior tribunal have been cases of this description. "But then," says my noble and learned Friend, "why not send the commission to be tried by the Lords Justices or by the Lord Chancellor?" But my noble and learned Friend forgets that where this trial takes place the Judge who will issue the writ, and will have the discretionary power as to a new inquiry, is to be either the Lord Chancellor or those who represent him—namely, the Lords Justices. Then he says, "Why alter a system which works so well?" Now, in my noble Friend's eulogy of the measure of 1853 I entirely concur, but experience points out that it

is necessary to superadd something to that measure. Is it not a scandal to the administration of justice that in one recent case the expenses of the parties amounted, without the least reason, to some £30,000; that in the case of Sir Henry Meux they amounted to between £7,000 and £8,000, while in that of Mrs. Cumming they were so great as to absorb nearly one-third of her property? Do not these instances carry with them the conviction that there are great defects in the system, and that it is impossible to permit the system to continue? Now, I by no means detract from the great merit of the Bill of my noble and learned Friend (Lord St. Leonards), when I say that something has still to be done in the same direction. No work is perfect in the first instance, and the work of reform will never become idle, because it will be rendered necessary again from time to time, as experience shows other means of remedying defects, and other defects which require remedying. My hon. and learned Friend was particularly eloquent upon the great evil which he said might result from the clause enacting that the lunatic, if he requires it, shall be examined in public. But what is the principle of our law? Why does the law require that there shall be a jury? Because of the great and overwhelming importance to the unfortunate subject of the inquiry. You do not deprive of his liberty a man accused of an ordinary crime unless you give him an open trial. But has not experience proved the necessity of an open inquiry in cases where, sometimes from mistake, sometimes possibly from sinister motives, charges of lunacy are made? Then my noble and learned Friend said, "The lunatic may give vent in open court to obscenity, blasphemy, or ribaldry." But will there not be guardians of public decency? Would the jury want any other proof than would be afforded by such an exhibition? Is there no power in such a case to remove persons from the court, and thus prevent any outrage upon public decency? That is an imaginary evil conjured up by my noble and learned Friend. Then he objects to the proposal that the inquiry shall be limited to a definite period, and he finds fault with the limit of two years. But what you want to ascertain is the condition of mind at the time of the inquiry. You have no right to say that because a man was insane on the 1st of January, 1862, he must be insane on the 1st of March.

*The Lord Chancellor*

The Bill gives an interval for inquiring whether or not there be a chronic malady, because it is not right that you should condemn as insane a man who is only suffering from the delirium of a fever. The objection is made in forgetfulness of the origin of the law. This is one of the instances in which an evil practice had crept in through following a precedent without observing the reasons for its original introduction. I said, when introducing this measure, that the present system was modelled upon the old commission set on foot for the purpose of ascertaining the rights of the Crown. In such cases it was proper and necessary to carry back the inquiry, and ascertain what those rights were at a certain period perhaps long since passed; but to carry back the inquiry into the insanity of persons as is done at present, is only to do that which may do injustice to third persons. Thus in the case of Sir Henry Meux the great contest was whether the lunacy should be fixed at a particular period, so as to upset a Will under which certain parties to the inquiry were entitled. But the principle of English law does not allow an absent man—and a man who is interested in such a Will may be regarded as an absent man—to be affected by a judicial or a quasi-judicial proceeding. The only object of inquiry with regard to the past is for the purpose of ascertaining what is the nature and character of the insanity—whether it is merely a temporary affection, or whether it permanently disables the lunatic from controlling himself and from managing his own property. But then my noble and learned Friend says that the inquiry ought to be regulated by the nature of the lunacy. That is rather a bold remark in the face of recent experience. What was the vice of the late inquiry? First of all medical men were put into the witness box to show that it was a case of congenital idiocy, and then evidence was adduced of all the actions of the supposed lunatic from his cradle. It is through having regard to the nature of the alleged lunacy that the mischievous practice has been introduced of carrying back the inquiry in this manner. My noble and learned Friend seemed to imagine that there was peculiarity in the law respecting idiocy; but in their results idiocy and lunacy are precisely the same. Originally there was a difference, but it has long since disappeared. The next objection is



that the discretionary power of the Judge to admit medical evidence will annul and destroy the whole effect of the provision. Now, I repeat that the introduction of medical opinions and medical theories into this subject has proceeded upon the vicious principle of considering insanity as a disease; whereas the law regards it as a fact which can be ascertained by the evidence in like manner as any other fact. Therefore we impanel a jury of ordinary men, and call upon them to try the question by proof of the habits, the demeanour, the conversation, and the acts of the alleged lunatic. But if you begin by telling them this is a most peculiar question, lying within the province of medical men, then undoubtedly they will consider that it is a matter removed out of the ordinary sphere of their knowledge, and that they must accept the opinions of others in order to come to a determination upon it. Now, just let me call your Lordships' attention to the manner in which medical men are influenced in coming to a decision. I shall quote from a book of great authority, and I think your Lordships will see that to commit an issue of this kind to be determined by the testimony of men influenced by such considerations is a great mistake and a great cause of injustice. The writer in question, a man of great experience and eminence, says—

“A principal characteristic of some patients is a peculiar want of harmony in the expression of the features; in others a fixed expression of some intense emotion, and a twitching of the orbicularis or other facial muscles is not uncommon.”

That my Lords, is a fearful announcement for those who are afflicted with a nervous peculiarity. “In a great many cases of chronic mania the hair becomes harsh and bristly.” I would recommend all persons to lay in a stock of Macassar oil to avoid the danger here pointed out: “the skin of the scalp becomes loose, and medical men should never omit to examine the ears, and if they discover a shrivelled ear, it tells an undeniable tale of profound mental disease; altogether the effect of mania, and, indeed, of all forms of insanity is to stamp upon the patient a remarkable degree of ugliness.” That is a very dreadful announcement for plain men; but let not the ugly man hope to escape the conclusion by clothing his face with a smile of goodnature, because nothing “is a surer proof of insanity than a pleasing smile always present.” Now, my Lords, are

these trifling rules to be allowed to prevail upon inquiries of such moment? The noble and learned Lord went on to observe, and to a certain extent correctly, that, according to the wording of one particular clause, in which “or” has been misprinted for “and,” there would be an alteration of the present law. Now, although I disclaim any such intention at the time of introducing the Bill, yet I do avow my intention to suggest to your Lordships in Committee one alteration. It is true that the language of Lord Eldon in one case went somewhat beyond the point; it is true that imbecility not amounting to unsoundness of mind will not warrant the conclusion of lunacy, or justify a jury in finding lunacy. That that should be the law has always been a subject of regret, and Lord Eldon himself expressed that feeling. But Lord Erskine called attention to the subject as long ago as 1806, when he said—

“I think there ought to be an Act of Parliament, not from any defect in the jurisdiction, but on the immense moment that the Lord Chancellor should not assume an authority that does not belong to him by the ancient jurisdiction, and that may press sorely on the liberty of the subject; on the other hand, feeling, as Lord Eldon appears strongly to have felt, that persons who are above all others entitled to protection ought not to go unprotected. Another ground is this—a man may have passed a great and illustrious life, and by the course of nature his faculties may decay, so that he may not be fit either to govern himself or his affairs. It is unseemly that he should be put on the footing of a lunatic, and that a commission should issue in the ordinary course which may affect the families of such persons in other times. It is supposed, and that opinion has gone forth very generally, that this unhappy disease runs into the posterity, and thence arises a grievous dilemma, that either such a person must be deprived of protection altogether, or in future time that distress to his family should be the consequence. Why should not a man be entitled to protection in this second state of infancy as well as the first? The whole prerogative is this—that it falls to the King to take care of those who cannot take care of themselves.”

It is my intention, my Lords, to propose to invest the Lord Chancellor with jurisdiction to provide for the case of persons who are in the second stage of childhood by surrounding them with the necessary protection without the necessity of issuing a commission of lunacy. I will not trouble your Lordships upon other points at present, but I may state that it is my intention to persevere with this Bill if your Lordships should be pleased to give it a second reading. I shall cheerfully accept

every suggestion for its amendment; but those things which I think are vital and cardinal points, and are absolutely required for the amendment of the law, I shall certainly not give up in any important particular. Therefore, my noble and learned Friend will have an opportunity, if he desires it, of throwing out this Bill altogether, thereby inflicting, as I should think, a very grave injury upon the public interests.

THE EARL OF DERBY: My Lords, I should not presume, in the presence of so many of your Lordships who are so much more competent to do so, to enter upon a discussion of the details of a Bill upon this important and delicate subject. Neither am I disposed to discuss the provision which is not included in the Bill of the noble and learned Lord, but which he has just announced his intention of introducing. I will only say that it appears to me that it is an extension of existing powers which will require serious and deliberate consideration, and is one which ought not to be introduced without having received the most careful inquiry. I should not have intruded myself upon your Lordships now had it not been for a direct appeal to myself and my noble and learned Friend—who having already spoken cannot again address you—an appeal which was made to us in reference to a matter personally concerning ourselves. I certainly have heard with surprise that an incidental cheer which I ventured to give to the statement of my noble and learned Friend should have brought down upon us an attack from the noble and learned Lord upon the Woolsack—couched indeed in very polite terms, but charging us with shortness of memory and gross inconsistency in objecting to a provision in the Bill which was identical with a provision introduced into the Bill that was brought forward in 1859 by the Solicitor General of a Government of which we happen to have been Members. The noble and learned Lord, I believe, did not trust to his memory, but had in his hand the Bill to which he referred. I had not that Bill in my hand, but in consequence of the statement of the noble and learned Lord I thought it right to refer to it and to see what its provisions were. The objection that my noble and learned Friend took to the Bill was that the substitution of a Judge of the superior courts for a Master in Lunacy was in all cases a matter of doubtful expediency and

*The Lord Chancellor*

of doubtful advantage, and that there were cases in which it would be found not only inconvenient but absolutely impracticable. He pointed out very clearly the circumstances under which it would be found impossible to obtain the advantage—if it were an advantage—of the presidency of a Judge of the superior courts. The noble and learned Lord on the Woolsack thinks it extraordinary that we should raise this objection—the Bill, he says, from which he borrowed this provision, having been introduced by the Government with which I was connected. I presume the noble and learned Lord had the Bill of Sir Hugh Cairns in his hands when he made that statement; if he had not, I am afraid I shall be obliged to retort upon him the shortness of memory which he has charged upon us. If he had the Bill before him, I cannot understand in what way, with his acuteness of intellect, the noble and learned Lord has fallen into so grave an error. I shall read to the House the clauses in these two Bills respectively. The Bill of the noble and learned Lord provides that—

“Every Commission of Lunacy which directs the Inquisition thereon to be made by the Oath of a Jury shall be addressed to one or more of the Judges of Her Majesty’s Courts of Queen’s Bench, Common Pleas, or Exchequer, and the Judge, or one of the Judges, to whom such Commission shall be so addressed, shall make the Inquisition thereby directed, and shall return the same into the High Court of Chancery.”

That provision the noble and learned Lord says is identical with the one introduced by Sir Hugh Cairns. The provision contained in the Bill of my noble and learned Friend was in the following terms:—

“A Commission in the nature of a writ *de lunatico inquirendo* may, in any case in which the inquiry shall be opposed by the alleged lunatic, and with a view to the ultimate saving of litigation and expense, if it shall be considered expedient, be issued under the Great Seal, addressed to any of the Judges of Her Majesty’s Courts of Queen’s Bench, Common Pleas, or Exchequer, directing them to make, by a Jury, the Inquisition to be therein mentioned.”

The Bill of Sir Hugh Cairns provides that, in particular cases, where a saving of expense may occur, or where, from other circumstances, it may be deemed expedient, it shall be competent for the Lord Chancellor to issue a writ to any of the Judges. The Lord Chancellor, from the Woolsack, tells us that provision is identical with one requiring that every



case shall be referred to Judges of the superior courts. I rose, not for the purpose of vindicating the memory of my noble and learned Friend, nor yet of vindicating myself from any charge of inconsistency, but simply to point out that the ablest and acutest minds may be misled if they do not very carefully consider and compare together the propositions of two Acts which they declare to be identical, and from the supposed identity of which they are led to make attacks on those happening to differ from them in opinion.

THE LORD CHANCELLOR: The noble Lord does not seem to be aware that no jury trial can be had except where the lunatic demands it. The Bill is not intended to alter the law in this respect, but directs that where according to the existing law a jury trial is to be had, it shall be had in the manner which seems most suitable.

LORD CHELMSFORD: In all cases.

THE LORD CHANCELLOR: In all cases of jury trial. This misapprehension only shows how the acutest minds may be misled by imperfect information.

THE EARL OF DERBY: With all due respect to the noble and learned Lord, I cannot conceive that "shall in all cases" can be identical with "cases in which it may be thought expedient." One renders it imperative on the Court of Chancery to send every case before a Judge of a superior court. The Bill of Sir Hugh Cairns says that in particular cases, where it is thought expedient, it may be sent. And my noble and learned Friend has actually pointed out that in certain cases the difficulties in the way of such a reference would be insuperable.

LORD ST. LEONARDS said, it was evident that the phrase "in all cases," appearing in the Bill, must be subject to explanation and qualification. There were other points which required revision, such for instance as clause five, which provided that "every inquisition whereby any person shall be found to be incompetent from unsoundness or imbecility of mind to manage himself and his affairs shall have the same force as an inquisition finding a person to be a lunatic." The meaning of the noble and learned Lord must clearly have been "unsoundness and imbecility of mind." [The LORD CHANCELLOR assented.] But the same mistake recurred in other passages; and if these were not rectified, a very dangerous

weapon would be put into the hands of the Court of Chancery. It would, in fact, be armed with a jurisdiction which the law of England had always renounced, and he might say denounced. He did not think it possible that their Lordships should agree to the section of this Bill which provided that in every case of lunacy the inquiry should be confined to the time at which it took place, and that no evidence should be admitted of circumstances which occurred more than two years before. By the Act of 1853, section 47, it was provided that the inquiry should be confined to the state of mind of the alleged lunatic at the time it took place, unless the Lord Chancellor should direct to the contrary; and therefore the object sought by his noble and learned Friend upon the Woolsack might be obtained without any new law whatever. Their Lordships had already heard that of 561 commissions which had been tried since the passing of the Act of 1853 only twenty had been tried with the aid of a jury. Of those twenty cases, eleven occupied only one day each; three, two days; one, three days; three, five days; one, nine days; and another (that of Mr. Windham), thirty-one days. Nothing was more desirable when a considerable event occurred, which seemed to render necessary some important change of the law, than to abstain from immediate action, and to wait until the passions of the moment had cooled down—for the moment when you could more calmly look at the result and effect of that event; and he was not convinced that their Lordships were now so competent to judge of the effect of Mr. Windham's inquiry as they would be some few months hence. Such an inquiry, affecting as it did the free enjoyment of life by a person who had been accustomed to the utmost liberty of action, was really a question of life and death, and the mode in which it should be conducted ought not to be lightly or hastily determined. He had always understood that it was one of the first principles of the lunacy law that the question whether a man was of unsound mind should be tried at his mansion, wherever it was situate, or at his last place of abode. That requirement was made as a protection to the alleged lunatic; but it would be withdrawn if such cases were to be tried in a superior court. He agreed with his noble and learned Friend near him in regard to the objectionable character of

the clause which limited the inquiry into the state of mind of the alleged lunatic to the two years previous to the commission. As to the restriction on the medical evidence, it was often said, sarcastically, that doctors differed; but so did other professional men. Differences of opinion arose from the general infirmity of the human mind; but in the case of medical evidence in courts of law the difference was sometimes more apparent than real, and arose from the ingenuity of the lawyers in confusing witnesses or distorting what was said. As the law at present stood, the person who conducted the inquiry could examine the lunatic once, twice, or more frequently; but by this Bill he would be directed to examine the alleged lunatic at the commencement of the inquiry, and unless there was another direction that would be taken to be the proper course. But he denied that it was the proper course. He could conceive nothing more injurious than that the alleged lunatic should be called before Judge and jury in the first instance, and be tried; in fact, upon the affidavits upon which the commission issued, before any case was established against him. He did not approve the proposal to give the alleged lunatic the imperative right to be examined in public. His noble and learned Friend (Lord Chelmsford) had well described what would be the effect in many instances, and he entirely concurred that such an examination could do no good, and might do great harm to the alleged lunatic. He would not trouble their Lordships upon other points of detail with regard to the visitors, which would be better discussed in a Committee; but, with every respect for the present registrar, who was a most competent and excellent officer, he objected to his practising as a solicitor, as he was of opinion that his whole time might be employed advantageously in assisting the Lord Chancellor on many occasions, when, speaking from experience, the Lord Chancellor must feel the want of such assistance. The noble and learned Lord then thanked their Lordships who, sitting on either side of the House, had expressed favourable opinions of the measure of 1853.

LORD CRANWORTH rose, not to prolong the discussion, but to clear up a doubt which had been cast upon a portion of the subject by the unfortunate wording of some of the clauses of this Bill. By the present law, although there was a power to issue

*Lord St. Leonards*

a special commission, the power was never exercised, and all Commissions were directed to the Master. The Master then gave notice to the alleged lunatic of the commission, and informed him that if he pleased he could have his case investigated by a jury. It appeared that in 541 cases out of 561 no such desire had been expressed. The words in the Bill were that every commission should follow the form in the schedule, or, in other words, that every commission should be tried by a jury. His noble and learned Friend on the Woolsack had explained that the intention was that whenever a commission was to be tried by a jury, but not otherwise, certain proceedings should take place. The Bill would require alterations in Committee to make it consistent with that meaning. He concurred in opinion that those cases should be tried by one of the Judges of the superior courts, and that the proposed change would be a great improvement. At the same time, it would be very objectionable to say that all cases must be tried by a jury, and it would be extremely inconvenient that they should be so tried, unless some special circumstances required it. He would suggest whether it would not be better to say that the jury cases should be tried by one of the superior Judges or by the Lords Justices. That would be a far better mode of putting an end to the present enormous expense than any enactment as to what might and what might not be given in evidence. He could not agree with the proposal to limit the time over which the inquiry should extend to two years. It might be necessary to show that certain symptoms now manifested by the alleged lunatic had at some previous period been followed by severe lunacy; and to shut out evidence of that sort would be to defeat the objects of the inquiry. Neither could he agree that it was either reasonable or safe to shut out medical testimony because there were some medical men who entertained very wild theories on the subject. Lunatics not under the care of the Great Seal could not be shut up without a certificate from two medical men, and it was a most extraordinary thing to shut out that kind of testimony in the more important cases. If the cases were to be tried by the superior Judges, it might be safely left to them to say what weight should be attached to that testimony. By this he did not mean in any way to reflect on the manner in which the recent inquiry and other in-



quiries had been conducted by the learned Masters, though, with all deference to them, he was bound to say that they could not have the same authority over the counsel as a Judge of the superior court from his position must have.

THE LORD CHANCELLOR pointed out that by a recent Act the certificate of the medical men must state, not only their opinion of the man's insanity, but the facts on which they had formed that opinion.

Motion agreed to; Bill read 2<sup>a</sup> accordingly; and committed to a Committee of the Whole House on *Friday*, the 21st instant.

House adjourned at Eight o'clock,  
to Thursday next, half-past  
Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, March 11, 1862.*

MINUTES.]—NEW WRIT ISSUED.—For Chepping Wyeombe, *v.* Sir George Henry Dashwood, baronet, deceased.

PUBLIC BILLS.—1<sup>o</sup> Savings Banks; Courts of Justice Building.  
2<sup>o</sup> Register of Voters.

### LECTURESHIPS IN THE TRAINING COLLEGES.—QUESTION.

LORD ROBERT CECIL said, he wished to ask the Vice President of the Committee of Council, If it is intended, under the revised edition of the Revised Code to abolish any of the Lectureships in the Training Colleges, and, if so, when that abolition is to take effect?

MR. LOWE: Sir, the Revised Code, with the intended modifications, does not propose to abolish the Lectureships in the Training Colleges.

### CHINA—THE TAEPIINGS.—QUESTION.

COLONEL SYKES said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether in the anticipated attack on the city of Shanghai by the Taepings, it is intended to preserve a strict neutrality between the Imperialists and the Taepings, due provision being made for the safety of the foreign settlements in the neighbourhood of Shanghai; and whether there is any foundation for a statement in a Paris paper—that the French representatives at

Shanghai have invited the English Authorities to join in military operations for the recapture of Ningpoo from the Taepings?

MR. LAYARD: Sir, in answer to the question of the hon. and gallant Member, I have to state, that considering the great value of British property in Shanghai, amounting to many millions sterling; considering the policy of the Taepings, which is a policy of destruction and extermination; considering that hitherto no system of Government has been established by the Taepings; and considering the vast amount of British property that would be destroyed if Shanghai fell into their hands, Her Majesty's Government have deemed it their imperative duty to give orders that Shanghai shall be protected by naval means from the attack of the Taepings. I am not aware that there is any foundation for the statement in the Paris paper alluded to by my hon. and gallant Friend. No such information has reached the Foreign Office.

### FORTIFICATIONS OF GREAT YARMOUTH.—QUESTION.

SIR HENRY TRACEY said, he would beg to ask the Secretary of State for War, If it be the intention of the Government to carry out the purport of a Correspondence between the Mayor of Yarmouth and the Secretary of State for War, in 1859, relative to rendering the Port of Great Yarmouth in a proper state of defence?

SIR GEORGE LEWIS said, that the port of Great Yarmouth was not included among the places enumerated in the Schedule of the Fortifications Loan Bill, nor was it thought advisable to include Great Yarmouth in the Vote for fortifying commercial harbours in the Estimates of the present year.

### PUBLIC MONIES.

LORD ROBERT MONTAGU rose, pursuant to notice to move the following Resolution:—

“That, in order to strengthen the check upon the Government in regard to issues of money for any public service whatever in excess of the sums voted by Parliament, as well as to secure the just appropriation of every payment voted by Parliament to its proper account, a Committee be appointed, to be annually nominated by Mr. Speaker, for the purpose of revising all Estimates or accounts laid before Parliament; and that it be an instruction to the Committee to report in what way the present duties and powers of the Board of

Audit should be extended or changed, with a view to render such Board responsible to Parliament alone, and the head of it not second in rank to any of the permanent Officers presiding over other departments, and also to make the present system of audit available for the purposes of the public service; and that it be a further instruction to such Committee to report to this House the exact period of the financial year when it would be desirable that the annual Estimates should be presented to Parliament, so as to enable the necessary examination of such Estimates or accounts to be completed and reported upon by such Committee before this House proceeds to sanction such Estimates or accounts by a vote of payment in Supply."

The noble Lord said, it would be in the recollection of the House that at the close of last year he moved, as an amendment on the second reading of the Appropriation Bill, that the Bill be not read a second time until it was printed and in the hands of Members. So that every hon. Member might have the opportunity of seeing for himself whether it contained those checks and restrictions which are provided by the constitution. The Chancellor of the Exchequer recommended him not to press that Motion; but expressed a desire that he should bring forward the subject at an early day of the present Session. His right hon. Friend the Member for North Wiltshire gave him similar advice, and said—

"The proper mode of proceeding is to determine the matter early next Session,"

And said, that if he would

"Move for a Committee for the purpose of arranging the business of supply, he would be conferring an important service and deserve the thanks of the House."

The House expressed its concurrence in this recommendation. He therefore considered that an injunction had been laid upon him by the House to bring forward his Resolution at an early period of the present Session. It would certainly be a mark of great carelessness and neglect not to comply with wishes so clearly expressed both by the House and by the two right hon. Gentlemen. Before proceeding, however, he must guard himself against some prejudices which were likely to arise in the minds of hon. Members. He protested that it was by no means his intention to move for a reduction in the effective force of army or navy. That was a totally different question, and need not be mixed up with the present matter of finance. It was a matter which had, year by year, to be determined by the exigencies of the case, and urged by

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the wisdom of the Executive. His object was, that the funds should be so wisely applied, and so strictly appropriated according to the wishes of Parliament, that the same effectiveness in army and navy might be maintained at a much less cost and burden to the country. He did not wish to diminish their effectiveness, but to accomplish a saving by means of a rigid system of expenditure. Nor, on the other hand, did he desire to tie up the hands of the Government, or leave them without funds wherewith to meet any exigency that might arise. The Resolution he now moved embodied no newfangled ideas of his own, nor did he lend himself to the theories of any enthusiasts out of doors. The Resolution which he was about to move had been taken word for word from the Report of the Committee on Public Monies; and he wished to force the Government to adopt recommendations which had been backed and enforced by a distinct Resolution of the House. The present was, therefore, not a party Motion. It attacked no Administration; it only found fault with a system. He did not hold any particular Ministry, nor any individuals before him, responsible for the evils which he believed to exist. He did not, however, expect to receive from the Government any support for a proposal so contrary to the traditions of Office and antagonistic to the prejudices of those in power; for it would limit the power and influence of the Administration. For many years a struggle had been going on between the House and the Ministry of the day as to the management of the funds of the country. Whoever opened the Journals of the House would see Motions and Amendments which were the marks and traces of the contest which had been carried on; as the maps of ancient Greece and Italy bore the Cross-swords by every river and on every hill. That contest had been the nurse and cradle of our liberty. It would not cease until the country ceased to be free, and representative institutions existed only in name. The power was constitutionally in the hands of the House. But the powers of the House had been gradually filched away by the Administrations of the day. These usurpations had not advanced by great strides. They had been proceeding silently and quietly, by small and slow degrees. This might be thought strong language, but he was supported in this view by the high financial authority of



a man who had won his laurels in this House, and then maintained his reputation in another place ; a man who was known to have the most intimate acquaintance with the subject, for he had long been Comptroller of the Exchequer. In a Parliamentary paper, No. 52, of the year 1858, Lord Monteagle said—

“ I deny that such confidence in the Executive is, has, or ought to be recognised in any free state. I deny that it has ever been, from the earliest times a principle adopted under the British Constitution. On the contrary, it is constitutional jealousy, and not confidence, upon which our institutions are founded, and on which the safety of the liberties of England depend.”

In this sense the Treasury Memorandum of 1857, after asserting that the control and check on the Treasury is purely imaginary, says that “ a real check must be established instead of the imaginary one which is now supposed to exist.” This check, as afterwards developed, consists in “ the Speaker as the highest officer of the House,” aided by an annually appointed Finance Committee. This was also the recommendation of the Public Monies Committee. He had therefore suggested in his Motion that the Committee should be so appointed. In consequence, however, of reasons which the Speaker had communicated to him in private, it was his intention to substitute for the words “ Mr. Speaker ” the words “ the Committee of Selection.” It might be asked, why not allow this Committee to be nominated like other Committees ? But what would that amount to ? Virtually to this, that the Government of the day would propose a check upon their own expenditure—a Committee to look into their own accounts. But if the appointment were left to the other side of the House, then it would come to this, that the Opposition would nominate a Committee to criticise the acts of the Government. It seemed to him, therefore, that this duty should be vested in an authority entirely independent of all party and faction whatsoever. He could not, as he had already said, expect a voluntary sacrifice on the part of the Government ; neither could he expect support from the front bench on this (the Opposition) side of the House ; neither from the Government *in esse* nor the Government *in posse* ; neither from Gentlemen actually in power nor from Gentlemen that expected that they any day might receive it. Yet there were right hon. Gentlemen on this side who, whenever they were in office, had plumed themselves on the way

in which they conducted their administrative duties ; who had manifested their accuracy and scrupulous exactness in the management of the funds ; and shown their desire conscientiously to carry out the wishes of Parliament ; and who, when out of office, were constantly bringing these questions before the House and insisted upon financial accuracy being maintained, with the greatest importunity which was possible, without actually being troublesome to the Government. He trusted, then, that from some of those right hon. Gentlemen he might meet with a small modicum of support. Yet he rested his case principally upon the support of independent Members ; especially such of them as had gone down to their constituents, and been lavish in their promises and profuse in their pledges of financial reform and financial retrenchment. Now was the time to fulfil those promises ; here was the opportunity to redeem those pledges. He would, however, remind the Government that their responsibility is not less because the willingness to obey is strong. His object now was to explain the extent of the evils which he believed to exist, and then to show the remedies which at various times had been devised—the barriers of opposition which had been raised against the usurpations of the Ministry. The first remedy was the Appropriation Bill ; that he would show had been sapped and undermined, and had become nearly useless. Then there was the Audit Board ; that had been overridden by the Treasury (as he should prove by the evidence which had been taken before Committees of that House), and was merely a delusion and a sham. Then Committees had been appointed by the House ; but their Reports had been shelved as soon as presented, and their recommendations had never been regarded. He would first say a few words to make out his case, to make, as it were, the diagnosis of the disease. He would not enlarge much on the size of the Estimates ; for this was a matter on which much had lately been said. He must, however, allude to this matter in a very cursory manner. From a Parliamentary paper lately given to Members, it appeared that the sums voted in Supply in 1835 amounted only to £14,000,000 ; in 1840 to £17,500,000 ; in 1850 they rose to £20,000,000, and in 1860 to no less than £45,500,000. The sums voted annually in Supply were now more than all the sums so voted during the whole reign of

William III.; they were fifty times as great as they were in any one year at the beginning of that reign: The Army Estimates alone were as great as at the very height of that fierce struggle, when we had all the Powers of Europe and America against us. Our peace was but war in masquerade; it combined the costliness of war with the carelessness of peace. He would now state the Votes for the Army, Navy, and Civil Services, taking them at intervals of ten years. In the year 1839 the sums voted for the navy were £5,500,000; in 1849, £7,000,000; in 1859, £13,000,000. The sums voted for the army in 1839 were £8,500,000; in 1849, £9,000,000; and in 1859, £13,000,000. Then the sums voted for the Civil Services were, in 1839, £2,500,000; in 1849, £4,000,000; and in 1859, £15,000,000. Mr. Laing, who had been Under Secretary to the Treasury, had shown in his evidence before the Committee on Miscellaneous Expenditure not only that the Estimates had increased to a most incredible extent, but that the increase had been progressive in a multiplied ratio. Between the years 1851 and 1856 the average increase was only at the rate of £200,000 a year; between 1856 and 1859 it was £275,000; and in 1859 it was £600,000. It became the duty then, if not the interest, of the House to ask itself why this should be. Why was the increase so rapid and so great? That question had been answered in the evidence before the Committee on Miscellaneous Expenditure. The simple answer was, that Parliament had lost its control over the funds; that the control had been usurped by the Ministry of the day. That assertion he made, not upon his own authority, but upon that of men of great weight who had been examined before Committees of the House. This control was lost in various ways; the scrutiny of Parliament was evaded by various means. He would allude in the first place to the system of balances. Mr. Laing, when questioned by Sir Stafford Northcote on that point before the Committee on Miscellaneous Expenditure, gave evidence to the following effect—

"Is it apparent in any account which is laid before Parliament? No, it is not; unless in the Vote submitted to Parliament it may be mentioned, as it sometimes is, in a note.

"Is it the fact that, from the manner in which the accounts are published, Parliament is ignorant of the fact that part of the apparent balance is already bespoken? . . . Undoubtedly, the fact is not brought under the cognizance of Parliament."

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Afterwards, in speaking of the Civil Service, Mr. Laing is asked by—

"Sir HENRY WILLOUGHBY: Are you aware that a balance had been left in various ways unknown to Parliament until the Committee on public monies made its investigation and reported? . . . and was it not in consequence of that being found out that the sum of money of £66,000 was surrendered? Mr. LAING. No doubt."

In the evidence before the Committee of last year on Public accounts it was stated that as the balances were not surrendered, in the Civil Service, "There is no means of checking the accounts." In the Report various examples were given. There was a case one year of a balance of £43,000 remaining in hand from the Vote for Royal Palaces; and yet the Commissioner of Works came down to the House and asked for a Vote of £44,000, without stating that he had that balance. The whole of that £44,000 remained in excess at the end of the year. That £44,000 would, therefore, have been much better left to fructify in the pockets of the taxpayers. The Minister had asked for it, without needing it, merely to have it in his hands. Again, there was another instance, though the particulars he did not recollect, in which there was a balance of £650,000, which was more than all the Expenditure under that head in the year. Of course such balances became very convenient in the hands of an irresponsible power, and a useful cloak and screen from the scrutiny of Parliament. It is then an important question to ask how these balances are obtained? how are they manufactured? It appeared from Mr. Anderson's evidence last year that these balances were manufactured by every department asking for a sum greater than it would be likely to expend. He said, "Every department estimates with a view to be safe." Mr. Laing was more precise, for in 1860 he stated in evidence that every department asks for a Vote one quarter greater than the utmost which they thought they would expend. This being the fact, what was the result? What is the effect of this practice? It appeared in the evidence of Mr. Laing, that the Treasury could always order the withdrawal of the whole unexpended balances. They were then put into the hands of the Paymaster General, increasing the general balance at the Pay Office; and then Mr. Laing was asked this question, "That being so, might not the money be used for other purposes than the particular object for which the money



had been voted?" and he answered, "Yes, in the hands of the Paymaster General: when it got there, the appropriation of it could not be traced further." That constituted the first means by which the control of Parliament was evaded; and yet in the finance accounts of last year no accounts were given under the head of arrears and balances, though it was by means of these balances that the control of Parliament was evaded. In fact, under that head all that was printed was this, "It is not considered necessary to print this class of accounts." He would now allude to another mode by which the control of Parliament was evaded—namely, by transfers, or misappropriations. In these cases the control of Parliament is not only evaded; its orders are directly set at naught and violated. Mr. Laing, in his evidence before the Committee on Miscellaneous Expenditure, after allowing that the rule about appropriation is "rather elastic," is asked by Sir Stafford Northcote—

"How soon is any application of one sum to another purpose brought under the notice of Parliament?—If it were within the same Vote, I do not see that it would be brought under the notice of Parliament."

"Sir STAFFORD NORTHCOTE: If therefore the Ministers of the day wished to expend a certain sum upon an object for which they were not likely to get the consent of Parliament, they might, by taking a very small sum for that object, and by taking unnecessarily large sums for other objects, accomplish the object without the knowledge of Parliament?— . . . Mr. LAING: I do not know whether what is suggested could be done to any large extent. If it were done to a large extent, it would be almost certain to excite attention, especially if it were done for some unpopular object . . . at the same time, theoretically speaking, it is no doubt possible to a certain extent."

And Mr. Anderson (chief clerk of the Treasury) gives similar evidence, that it is in the power of a department, by postponing work for which money has been voted, to obtain funds for a work (to which a Vote of Credit has been specially applied) to set free part of that Vote of Credit for the purposes of another department. In fact, it would thus be quite possible to spend £200,000 on elections and no one would know. The House recollected that at the end of the Navy Estimates of the present year eight cases of transfer were noticed. This occurred during March last, when the House was sitting, and when its sanction for the transfer might have been obtained; and it had the other night been

declared by the hon. Baronet the Member for Stamford that these transfers were effected "so as to defeat the control of the House." This was in the debate on the Report of the Committee of Supply the other night. He had heard, but he did not know whether the statement was correct, that when the right hon. and gallant Member for Huntingdon was Secretary for War, in 1858, finding the barrack accommodation deficient, he inquired into the reason, and discovered that the £3,500,000 which had been voted for that purpose during the four previous years, had been transferred or misappropriated before he came into office. He had also heard that the gallant General, although he was most scrupulous in the management of his department, and though determined that not a single Vote in his department should be exceeded, was obliged to propose a Vote for a large excess occasioned by the mismanagement of those who had gone before him in the office. The next example of this evil system was the case of a whole department. The Woods and Forests was a department put openly and avowedly beyond the control of Parliament. Mr. Anderson, in his evidence, stated that—

"The accounts are laid before Parliament when the expenditure had been incurred, and there is no possibility of altering it. No previous sanction of Parliament is given to the items of expenditure. It is an account of money expended over which the House of Commons has no control."

The building at Pimlico, as well as that at Sandhurst, which had recently been matter of discussion, was an illustration of another way in which the control of Parliament was evaded. That building was begun without the sanction of Parliament, and then a Vote was asked to pay for the expense. This Vote was objected to. Then the Minister said: This money has already been expended; besides, there is a contract for the rest, and the contractor must receive a bonus to induce him to drop his contract; then you must pay for digging up what has already been built; and this will amount to nearly the same as the whole building would cost.

Another class of Votes placed beyond the control of Parliament was the class of Civil Contingencies. This appeared from the evidence of Mr. Laing, who stated—

"There has been a tendency of late years, to put into Class 7 certain matters which might properly belong to other classes."

Then he says that once a work gets into Class 7 it never gets out again. He is then asked by Sir Stafford Northcote—

“Are not all sums expended on Civil Contingencies, expended without the control of Parliament at all?—Yes, no doubt; Civil Contingencies is a fund which the Treasury has a discretion to draw upon,” &c.

“SIR STAFFORD NORTHCOTE: And therefore the effect of voting upon Civil Contingencies charges for services which might regularly be estimated, is this—that the control of Parliament over those services is practically destroyed?—No doubt; the Civil Contingencies should be confined as strictly as possible to matters which cannot be foreseen.”

Such a convenient class for the acquisition of power is, of course, made the most of. Mr. Laing is asked by Sir Stafford Northcote—

“Of late years the fact has been that the Treasury has spent more upon Civil Contingencies than the amount proposed?—Yes; I apprehend it will become necessary to transfer some large Votes to the Estimates, and yet take nearly the same sum for Civil Contingencies.”

Hence this class is not only bad in itself, but is an abettor and pander to other classes. Thus—

“SIR STAFFORD NORTHCOTE: Is it not the case that the number of objects included in Class 7 has grown from eight objects in 1848, to fifty-three objects in 1859?—Yes, that is so.”

Also, Mr. Anderson says, that if we go on as we have done of late years, Class 7 will soon absorb all the rest. Mr. Laing continues, that this is the class over which Parliament should exercise the strictest supervision. Yet it is passed at the close of the Session during the Dog-days; and thus “this omnibus Class” escapes all attention from Parliament. Mr. Anderson last year, in answer to a question put by Sir James Graham, defined Civil Contingencies as “A fund to meet expenses which cannot be foreseen, for which no provision can be made and no estimate prepared.” Yet he then says that “If this principle were adhered to, the residuum in Civil Contingencies would be very small indeed;” for this class contains “a very small proportion of expenses which could not be foreseen, and for which no provision could be made, and no estimate prepared.” In the Report of the Committee of last year, various examples are given. For instance a chapel was bought in Paris; the House subsequently refused to sanction the purchase, and the chapel was resold at a loss—the nation

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being mulcted in the difference. The Report says, “This ought to have been brought to the knowledge of Parliament.” Then, there was the case of a sum of £37,500 given to the Monte Videan Government, no one knows why; on this the Report says, “This expenditure was incurred without the knowledge of Parliament; it might have been made from the Treasury chest, which would have brought it before Parliament.” Then, again a sum was given to the King of Bonny, so that “The authority of Parliament was entirely defeated in the payment of that sum.” In short, as Mr. Anderson says in conclusion, this class of civil contingencies should be discontinued, because it is a fund with which such tricks can be played. He should next advert to Votes of Credit. He had already alluded to them under the head of transfers, as a means which helped the commission of such misappropriations. They were also in themselves a means of evading the control of Parliament. It was a very great error to confound together Votes of Credit and Votes on Account. These are totally different things. The Committee on Public Monies had recommended that Votes on Account should be taken “For such services as had already been sanctioned by Parliament,” in order to preserve Parliamentary control, and in order to prevent misappropriations. Such a confusion is not made in private affairs. If a tradesman presents his account and asks for money on account the demand is thought very reasonable. But if a tailor, to whom you, Sir, owed nothing, came and asked for money on credit, in return for which he would engage to supply you with such clothes as he might deem suitable and necessary to your rank, position, and dignity; you would think the tailor was making a most extraordinary and indefensible proposal. Yet this is what Ministers constantly do. The Journals of this House show that our forefathers always resisted such a proposal. In 1675 there was a Resolution that “This House refuses to grant money to pay off any sums spent in anticipation.” Hatsell mentions a later Resolution that “Whosoever shall advance money on the revenue shall be judged to hinder the sitting of Parliament;” and also a Resolution against “accepting tallies of anticipation.” The Journals next show that when William III. proposed that a Vote of Credit should be given him to the extent



of £1,000,000 for the purposes of carrying on the war in which he was engaged, the House came to a Resolution not to grant such a vote to a greater amount than £10,000. George I. also asked for supplies to concert measures against the King of Sweden who was plotting some mischief against this country. It was then urged that "It was unparliamentary to grant a supply before the occasion was known, and an estimate of the expense laid before the House." In 1727 a Clause of Credit was passed allowing Ministers to apply certain sums to meet the exigencies of public affairs. The following Protest was then entered on the Lords' Journals:—

"Because it is inconsistent with that part of the Bill which forbids the supplies to be issued to any other purposes than those specified; and renders ineffectual that appropriation of the public money which the wisdom of many Parliaments has thought, and we are convinced ought to be thought, a necessary security against the misapplication of it."

Precedents are of use because they contain a judgment of the case apart from the passions of the day. Here is another Protest, of still greater importance, against a Vote of Credit for £1,200,000, in the year 1734—

"Because it puts it in the power of a Minister to divert any of the Supplies to whatever purposes he shall see fit . . . . whereas Appropriating Clauses were introduced to prevent the secret ill use of public money; and every tendency of breaking through them is a just foundation for Parliamentary jealousy and inquiry; and therefore we apprehend that we cannot answer it to the nation if we should acquiesce when such innovations are attempted . . . . Monies are granted always in consequence of Estimates laid before the House of Commons, and for services specified . . . . But this clause gives ministers such a latitude to misapply the public money, that we apprehend it to be of the most dangerous consequence."

Votes of Credit, he might add, came into common use during the war which we waged against France at the beginning of the present century; but then they were accompanied by various restrictions and obstructions which clearly showed that they were, even then, regarded as a means of evading Parliamentary control. Thus, Mr. May mentions that "When a Vote of Credit is necessary in time of war, to meet emergencies," a message is sent from the Crown under sign manual to both Houses, which message is referred in the Commons to a Committee of Supply. Votes of Credit are manifestly, therefore,

another way in which the functions of the House are overridden and Ministers obtain irresponsible power and control. He had now shown the great evils which existed, and traced them all to this one source and origin; namely, the want of control by Parliament. He had also enumerated the various ways in which the supervision of Parliament was evaded. He confessed that it was merely a bald and meagre sketch—a mere outline. But those who followed him, who had a much more intimate acquaintance with the subject than himself, could fill in those darker shades, and add that heightened coloring which would make the picture more true, but at the same time more terrible. He was sure that, except through laziness and inertness, the House would not connive at such a system; it would not abdicate its functions, neglect its duties, abuse its trust, and lose its due control over the funds. Sir, that people deserves a tyrant which has ceased to defend its liberties; and those destroy representative institutions who sap the control of representatives. He would now allude to the barriers which had, from time to time, been raised against the usurpations of the Ministry—the remedies for the evils of which we now complain. With the view of securing that control, recourse had been had, among other measures, to an Appropriation Bill. In its very infancy, the House showed the greatest anxiety concerning the funds, and strictness in appropriating them. He found, in *Grey's Debates*, that Mr. Sachevrell (who assisted Lord Somers in framing the Appropriation Clause at the time of the Revolution), asserted that as early as the reign of Edward I. the money voted by the House was always strictly appropriated. At all events, there were statutes of the time of Richard II. and Henry IV. by which the Supplies were appropriated. The Commons' Journals contain a Resolution of the year 1624, to the effect that "Monies mentioned in the Act of Subsidy shall be paid as first voted." Lord Somers, also, mentions that one of the grievances, in the Declaration of Grievances of 1642, was, that "Sums of money intended for the guard of the seas are dispersed to other uses." Towards the end of that century, as the Journals testify, Sir George Downing carried an Appropriation Clause by a large majority. And subsequently Sir Thomas Littleton carried a Resolution that the money voted for ship-

building "is to be appropriated and applied only as specified," and that "heavy penalties should be laid on all officers of the Exchequer, and on all through whose hands money shall pass which has been diverted from its original purpose." During that debate Mr. Sachevrell said it was "high treason to pay money to any other use than it was granted for." The House then ordered a Bill to be brought in to "appropriate the supplies pursuant to the several Votes." Sir Edward Seymour, Treasurer of the Navy, was also impeached because he lent, for the use of the army, £90,000 which had been appropriated to the navy. Such a transfer was deemed sufficient ground for impeachment. Soon afterwards, in 1689, the 1st of the reign of William and Mary, Lord Somers and Mr. Sachevrell were employed to draw up Appropriation Clauses. The Appropriation Clauses, as framed by Lord Somers, contained the most minute and severe restrictions with respect to the application of the supplies granted by Parliament. Lord Somers's Clauses are contained in 1 *Will. & Mary*, s. 2, c. i. (1689). The Appropriation Clauses (§ 45—53 and § 55) were not repeated in subsequent Acts, but were referred to in the following stringent terms (*e. g.* in 6 & 7 *Will. III.* c. 7):—

"And to the end the sums by this Act appropriated may not be diverted or applied to any other purposes than are hereby declared and intended: Be it further enacted by the authority aforesaid, That the rules and directions appointed and enacted in one Act (1 *Will. & Mary*, sess. 2, c. 1), &c. . . . . and for the distribution and application thereof and keeping distinct accounts of the same and all other provisions, pains, and penalties, and forfeitures, thereby enacted in case of diversion and misapplication of any money thereby appropriated, are hereby revived and enacted to be in force, and shall be practised, applied, executed, and put in use for and concerning the distribution and application of the said sums hereby appropriated as fully, amply, and effectually as if the same were here again particularly repeated and re-enacted."

This clause was afterwards discontinued, and the following of milder form, was substituted:—

"The said aids and supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever other than the uses, intents, and purposes before mentioned or for the other payments, appropriation, or application directed to be made or satisfied thereout by any Act or Acts or any particular clause or clauses for that purpose contained in any other Act or Acts of this Session of Parliament."

That is the clause which is given in Mr. Lord Robert Montagu

May's *Practice of Parliament*, p. 538, and also in Hatsell.

In bringing the subject under the notice of the House towards the close of last Session, he had taken occasion to read the Appropriation Clause; but the Chancellor of the Exchequer, in replying to the observations which he then made, remarked that—

"If any clause in particular was to be called 'the Appropriation Clause,' it was plain that it was not the clause which the noble Lord (Lord Robert Montagu) mentioned, but the 10th Clause,"

And that the Appropriation Clause he, moreover, called "mere surplusage." Yet Hatsell shows that this "mere surplusage" is the Appropriation Clause, which our forefathers framed as the guardian and security for our liberties. He says also that—

"The strict appropriation of supplies was, at the Revolution, . . . . made part of that system of Government which was then established, for the better securing the rights, liberties, and privileges of the country."

Then, again, Mr. Hallam in his *Constitutional History*, wrote as follows:—

"From the Revolution the appropriation of the supplies has been the invariable usage."

And—

"By a clause annually repeated in the Appropriation Act of each Session, the Lords of the Treasury are forbidden, under severe penalties, from issuing money by any warrant, except for that to which it has been appropriated."

And he continues—

"A House of Commons would be deeply responsible to the country if, through supine confidence, it should abandon that high privilege which has made it the regulator of foreign connections."

Such were the opinions of eminent authorities with respect to a clause which the Chancellor of the Exchequer had characterized as "mere surplusage;" but he thought he had said enough to show the House that the view of the right hon. Gentleman was hardly correct. Thus the House of Commons in its infancy had struggled for the strict appropriation of supply; in the days of its strength it carried these restrictions with a high and severe hand; in the days of its decrepitude and decline we may expect it to regard lightly the result of our forefathers' struggles, and part with the ægis of our liberties. At the beginning of the present century the House of Commons, not content with the Appropriation Bill, passed a Resolution to the effect that to apply, to



the navy, money voted for the army, or *vice versa*, was a misdemeanour and a gross violation of the Appropriation Act. In 1846, however, the House agreed to a Motion permitting the transfer of money from one service to the other; but that was to be done only where a surplus was applied to meet a deficiency. This Mr. Anderson stated in his evidence last year he also said that the practice was illegal, and that this Resolution was passed to suit an illegal custom. Yet the change thus introduced led to great abuse, as in the case of a recent Vote for iron ships, every farthing of which was devoted to the purchase of military stores; in which case there could not be said to have been a surplus. In 1849 the conscience of the House was smitten, and the consequence was the passing of a Resolution—

“When a certain amount of expenditure for a particular service has been determined upon by Parliament, it is the bounden duty of the department which has that service under its charge to take care that the expenditure does not exceed the amount placed at its disposal for that purpose.”

This Resolution overrides that of 1846. The latter permitted transfers between navy and army, if one service had exceeded the Vote and the other had a balance; in such a case, and in such alone, the Resolution of 1846 was operative; for that Resolution allowed the application of surpluses to meet deficiencies. The Resolution of 1849, on the other hand, altogether debars all deficiencies. Yet, the Resolution of 1846 is inserted as a clause in the Appropriation Bill to this day, because it gives a greater power to the Ministry; while that of 1849 is entirely forgotten, and has become a dead letter. In the first Session of 1857, and again in the second Session of 1859, the Appropriation Clause was left out of the Appropriation Bill. The result in 1860 was that there were 11,500 more men in the army than Parliament had voted, and the military expenditure exceeded by £1,000,000 the sum which had been granted by Parliament. The sum spent on miscellaneous services, moreover, exceeded the Votes by £310,000; it was £860,000, instead of £550,000, the amount sanctioned by Parliament. Yet, in voting the Supplies, the form is as follows:—

“That a sum not exceeding £550,000 be applied to miscellaneous charges.”

Parliament ordered that this sum should not be exceeded, and granted the money on that condition. Yet the Government had exceeded it. Another remarkable case was that of the Vote for iron ships. At the end of the Session, Ministers came down to the House with a special Bill, and represented that, in consequence of the measures taken by the Emperor of the French to create a gigantic fleet, it was absolutely necessary that we should instantly provide ourselves with a certain number of iron ships. They said the matter was one of great urgency; and at their request the House hurriedly voted £250,000 for iron-clad vessels. Next year the House found, to its astonishment, that not a single penny had been spent on iron ships, but that the whole £250,000 had been expended on military stores. Then, again, the sum of £519,000, which had been voted for transports, was also in the same year spent on military stores; and yet large sums had been specially devoted by Parliament, that same year, to the purchase of the most profuse amount of military stores. The next remedy which had been framed was the Audit Board; but that Board was a mere sham. Parliament, no doubt, had invested it with ample powers; but the Board was laughed to scorn by the Government. The Board did not audit the accounts of a single department. Mr. Romilly, the Chief Commissioner of Audit, was asked the following questions by the Committee on Miscellaneous Expenditure:—

“And practically the Audit Office has no check upon the expenditure of the Secretary of State at War; . . . or is there practically any detailed check upon the expenditure which the Secretary at War makes?—Mr. Romilly: There is not in our office; . . . there is virtually no check, except in the department itself.”

Then, after saying that there is no check by the Treasury, he is asked—

“I think you stated that the Chancellor of the Exchequer signed the account which the Board puts before him, as a matter of course?—Yes. And he makes no examination of it at all?—No, certainly not.”

Of course, in saying this, he did not mean to impugn the right hon. Gentleman who now fills the office of Chancellor. Every one knows that this right hon. Gentleman is exceedingly conscientious and scrupulous. He trusted the House would remember that he did not blame any individuals, but only the system; and whenever he mentioned certain offices, he did

not allude to the persons who fill those offices.

"You do not get all the accounts from the Commissioners, do you?—No, we do not get the accounts from the Civil Service Commissioners. How are the receipts for Civil Contingencies presented to you?—We do not examine the accounts of the Civil Contingencies. Do you see an account of the expenditure incurred on account of special missions, such as . . . Lord John Russell's mission to Vienna, or Mr. Cobden's mission to Paris?—No."

From all this, the only conclusion which can be drawn is that which even Mr. Romilly himself is constrained to draw—namely, that the House of Commons and the people of England are deceived.

"So that if the House of Commons, or the public imagine that the whole public expenditure goes through the Audit Office, they are greatly mistaken?—Greatly mistaken."

Now, how is this? Parliament settled ample powers on the Audit Board, by the Act of 9 & 10 Vict. c. 92; yet those powers of Parliament are laughed to scorn by Ministers. Mr. Romilly says that they "cannot apply to any Secretary of State the power which Parliament has given them; for the Secretary of State, backed by the whole power of the Treasury, only laughs at them." He continues to say, "We have no control over the accuracy of the items." Then again, with regard to the Secret Service Money, "We do not see any of the particulars." So that of all these various departments the accounts of none are audited. In fact, the Audit Board is a mere figment or Guy Fawkes. Mr. Anderson corroborates this statement in his evidence before the Committee of Public Accounts; for he says, that out of £46,000,000 of expenditure the accounts of £40,000,000 are not audited by the Board, but only by the departments which authorize the expenditure. The Act prescribes that all papers, accounts, &c., shall be sent to the Audit Office. Now, how is this law obeyed? Mr. Romilly is asked—

"Do not the Treasury send all accounts to you?—Certainly not; a very large part of the public accounts of the kingdom do not come before us. The accounts of the several Secretaries of State and a great many others we never see; . . . the circumstances which may induce the Treasury to decide in favour of sending some accounts to the Audit Office and of withholding others are of a kind that can only be known to the officers of the Treasury. . . . I am really unable to state what the circumstances are which induce the Treasury to send some accounts to us and withhold others. It rests altogether with the Treasury; they have an absolute discretion in the matter.—Then, in

fact, the Board of Audit is little more than the right hand of the Treasury for conducting a certain service?—In many respects this is so."

Nor was that all. Mr. Macaulay, another of the Audit Commissioners, stated that when the Audit Office disallowed an account, the Treasury frequently allowed it; that the power substantially rests with the Treasury, and the powers given by Parliament are practically of no avail against the Treasury. Commissary General Power also said, "that so far from the checks on improvident expenditure being strengthened by modern changes, they have been weakened." The Audit Board was consequently worse than useless, for not only did it not examine all the public accounts, but it had to stand godfather for the evil deeds of the Treasury. There was a Resolution passed by the House in August, 1860, which was recited in the Report of the Select Committee on Public Accounts. That Resolution had been moved by the right hon. Baronet (Sir Francis Baring) the Member for Portsmouth; it was to this effect, "that the appropriation and audit of monies voted for the Civil Service Estimates is insufficient, unsatisfactory, and require early amendment." The conclusion of the Report of the Committee of last year was in these words, "Your Committee may be permitted to express a hope that another year will not pass without the application of a remedy to a state of things which the Resolution of the House has declared to be insufficient, unsatisfactory, and requiring early amendment." The Resolution moved last year by the right hon. Gentleman the Chancellor of the Exchequer he had promised should have become a Standing Order; but that had not yet taken place. Besides, the Committee last year were ordered only to consider audited accounts; yet in their Report they had stated distinctly that the Audit Board was practically useless, the accounts virtually not being audited at all. Hence that Committee did not meet the requirements of the present case. The Treasury Minute of 1858, issued while the right hon. Gentleman the Member for Buckinghamshire was Chancellor of the Exchequer, would have carried out the whole of the Report of the Public Monies Committee; for it is, in fact, framed in the very words of that Report. He then also stated his intention to bring in three Bills to secure to the Audit Board the necessary powers, and to make it independent of the Treasury. No doubt, the right hon.

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Gentleman would have fulfilled his promise but for that unlucky Congress at Willis's Rooms, when the noble Lord opposite held out his hand and lifted the noble Lord the Member for the City of London on to the platform. The one then stood for representative Reform and the other for financial Reform, and their two hands were joined together, of course *sine cerâ*, in the utmost sincerity. Now, how much of the former have you ever got? They all knew where representative Reform had gone to; it had gone to the — "other place." At least the representative of representative Reform had gone there. And now, how much financial Reform will you get? Nay, how great a security for financial accuracy shall we get? for that is all we want. Where is that going to?— Well, he hoped financial Reform would go the other way. But as yet, far from getting financial Reform, they could not even get financial accuracy. What was desired was, that the Report of the Committee on Public Monies should be carried out, and that the powers delegated to the Audit Board should not be laughed to scorn. He next referred to the remaining remedy which had been devised—namely, the various Committees that had been appointed from time to time to take into consideration the Estimates. There had been Committees, as proved by the Commons' Journals, to inspect the navy, the ordnance and stores, to audit accounts, to search for frauds, to investigate the application of public monies and the employment of stores. Some of these Committees had brought to light abuses and gross misapplications of the public monies which had never been suspected. Then there were Commissioners appointed by the House to inquire into mismanagements in the clothing for the army, into contracts for clothing, into the selling of old uniforms; and also, "to inquire whether the good husbandry and economy so much talked of" was really carried into these departments. Then, in the reign of William III. the Navy Estimates were referred to a Committee of seventy-seven Members, and the Army Estimates were referred to a Committee of fifty-one Members. Yet he must remark, that that King was a most powerful and somewhat despotic monarch. In these days we have not to dread the despotism, or guard against the prerogatives of a monarch. We have to defend ourselves against the far more insidious and dangerous usurpation of power on the

part of a Ministry which wields both the Crown and the House in order to carry out its own objects. A few years later (in 1697) Sir Thomas Littleton made a Motion, "that all Estimates and accounts and the state of finances should be referred to a Select Committee of fifty-two Members." The Estimates were again referred to a Select Committee in 1848. The Committee of Public Monies was appointed in 1854. Mr. Anderson said of their Report, in his evidence last year—

"I think the recommendation contained in the Report of the Public Monies Committee is the best and the most practical, and I think it is the only working arrangement that we can really carry out."

He (Lord Robert Montagu) then showed that the terms of his own Resolution were entirely consistent with and, indeed, borrowed from the Report of the Committee on Public Monies, by reading out the clauses in his own Resolution, and he corresponding clauses in the Report of the Public Monies Committee. He had shown the rapid and vast increase of the Estimates, the reckless and careless expenditure, and the loose application of the public monies. The first opposition which had been raised was the Appropriation Bill; but that had been castrated, mutilated, and bereft of all useful powers. The second barrier was the Audit Board; but the public were deceived therein. Government had worked windward of it, took the wind out of its sails, and left it sagging and drifting helplessly to leeward. The third security was in Committees; but their Reports were never listened to by the Ministry, and the evidence which they had collected was quickly shelved. The deaf adder stoppeth her ears, charm the Committees never so wisely. If the Ministers were responsible this would be of no great moment. But the Ministry were not really responsible, and the House had no real control over the public monies. Responsibility of Ministers was a term which had been accepted without investigation, and had become current without thought. If the evidence before all those Committees proved anything, it proved that Ministers were not responsible. The Chancellor of the Exchequer might feel fettered; but it was only by a moral responsibility. He complained that such a thing was beneath a great nation, that it should depend on the moral character, or even the daily whim, of its Chancellors of the Exchequer. He would

read three lines from M. Fould, the great Finance Minister of France. He said—

“For my part I attach the greatest importance to the system of transfers. I see in it the only practicable and effectual means of securing the public service in the absence of the Legislative Body.”

That is the secret of the whole system of evil of which we complain; it springs from a desire to govern without the House of Commons. It would be for that House to say whether they would lazily resign those powers which the Constitution had given them. To do such a thing would be like the act of the doting old King Lear. But to part with powers which had been intrusted to us, and committed to our care and safe keeping, would brand us black with dishonour and foul with bad faith. He did not think further argument was necessary. If it were, he would use the words of the right hon. Gentleman opposite (the Chancellor of the Exchequer). He could not, he would not dare to use such words on his own authority, or to hint at such an awful possibility as that which the right hon. Gentleman asserted. On the 16th of August, 1860, speaking of the “lamentable and deplorable state of our whole arrangements with regard to public works,” he said—

“Vacillation, uncertainty, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated, were united in our present system. . . . The money of the country was wasted. He believed such were the evils of the system that nothing short of a revolutionary reform would ever be sufficient to rectify it.”

He did not think they had yet come to that pass. He thought a remedy might be applied without the necessity for revolution. Yet, Sir, these reforms must be made; such abuses cannot go on; the public will force reform upon you. If it be done at once, it might be accomplished in a spirit of moderation and calmness; but if the remedy were delayed, it would become the deed of violence and intemperance. It would now be the work of judgment and reason, because passion had not been called in; but if it be forced upon you by a ferment in the public mind, the result will be the victory of passion and the reward of insubordination. Cardinal Alberoni said—

“We submit to boundless taxes, which the idea of liberty alone renders supportable.”

Sir, ideas quickly fade when there is no reality to correspond. In order that that

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idea might be made a reality, he would now place his Resolution in the Speaker's hands, and commit it to the care of the House. But he would beseech the House to remember one thing—that the control of the purse was the source of power, and that the Exchequer was the battle-field of liberty. The noble Lord concluded by moving his Resolution, substituting the words “Committee of Selection” for “Mr. Speaker.”

Motion made, and Question proposed.

SIR FRANCIS BARING said, that as the noble Lord (Lord Robert Montagu) did not appear to anticipate any assistance either from the Government *in esse* or the Government *in posse*, he (Sir Francis Baring) as chairman of the Public Monies Committee, might perhaps be allowed to ask the House to consider what would be the real effect of the Resolution proposed by the noble Lord. The House was to consider whether the proposal of the noble Lord was likely to produce the good result which he appeared to anticipate from its adoption. He (Sir Francis Baring) was firmly convinced that that proposal, if adopted, would rather tend to throw difficulties in the way of the improvements, which he, together with the noble Lord, earnestly wished to carry into effect. He would not follow the noble Lord through all the arguments he had adduced with respect to the evidence brought before the Public Monies Committee, but the noble Lord had forgotten to state that every one of the points which had been touched upon by the noble Lord had been fully considered by that Committee, and that they had themselves recommended certain remedial measures. Every possible evidence that could be brought forward on the subject had been adduced before the Committee, and there was no necessity for any further information. What was wanted, therefore, was not the appointment of another Committee, such as the noble Lord now proposed, but that the recommendations of previous Committees should be fairly carried out. The Committee on Public Accounts, which sat last year, had gone carefully through four different heads of the Estimates, and had made a series of recommendations, some of which required the passing of an Act of Parliament to enable them to be practically adopted. That had already been done, and he believed that considerable progress had been made in giving effect to the other suggestions of the Se-



lect Committee. He alluded to the recommendations with regard to the Civil Contingencies and the Public Works. The present proposal would, however, throw impediments in the way of the beneficial change which he desired. The noble Lord's speech was not wholly free from a political tinge. He accused the Government of being always hostile to improvement, and always baulking the House of Commons in this matter. Now, he was bound to say that almost every improvement in the public accounts had originated with the Government. The late Sir James Graham, when a Minister, had introduced that most material check, the Appropriation Audit. If hon. Members, instead of declaiming against the Government, would look to what it had been doing, they would find that the heads of the different departments had done their best to introduce a better system of accounts. The improved arrangements in respect to the Army, the Ordnance, and the Treasury chest had all originated in the proposals of the Government. No doubt there had been some delay, although not latterly, in carrying out the recommendations of the Select Committee; yet it should be remembered that the delay had in a great measure been occasioned by the changes of Government and to the still more frequent changes in the office of Secretary to the Treasury which had occurred of late. Then, moreover, the task to be accomplished was by no means an easy one, but at present progress was being made in the right direction. What were the remedies suggested by the noble Lord? The noble Lord suggested that a Committee should be appointed to perform certain duties enumerated in the Resolution. They were to consider how the present duties and powers of the Board of Audit should be extended or changed so as to render that Board responsible to that House alone. That would entail the consideration of the whole question of the audit and the working of the Audit Board. Next, the noble Lord proposed that his Committee should report as to the exact period of the financial year when it would be desirable that the annual Estimates should be presented to Parliament. Now, that was just one of those difficult questions which the House had so often considered, and on which Committees had reported; but as to the inconvenience of the Estimates not being voted till July, that evil arose, to a great extent,

from the practice adopted by hon. Members of bringing forward all sorts of preliminary discussions upon the question of going into Committee of Supply. The noble Lord's Resolution appeared to contemplate an examination of the Estimates by his proposed Select Committee previous to their consideration by the House in Committee of Supply. Was the House prepared for such a change as that? Would they hand over the Estimates to a Committee? and what would be the result? In the year 1848 the House had two Committees on public expenditure sitting; but, so far from concluding their work within the year, they had not completed it at the end of the second year. He did not believe it possible for any Committee to do the work which would be imposed upon them by this Resolution. He had lately heard an announcement from the Chancellor of the Exchequer, that the Government were carrying into effect the recommendations of the Committee on Public Monies. If there were on the part of the Government that anxiety which some persons attributed to them to do nothing to improve the public accounts, the Resolution of the noble Lord would furnish them with a very good excuse for doing so. They might say, "As you have adopted this Resolution, we cannot proceed to carry out the recommendation of the Public Monies Committee; we cannot make any change while this new Committee is sitting." All improvement would thus be stopped, and he very much questioned whether any Member of the new Committee would live to see any of the suggested improvements carried into effect. He could not be accused of want of interest in the present question, for it was chiefly owing to a Motion he had the honour of bringing forward that the Public Monies Committee had been appointed. He opposed the present Motion just because he thought the effect would be directly the reverse from that expected by the noble Lord. It was all very well to compare the present high rate of expenditure, which for several reasons was a necessity, with that of former periods; but hon. Members must remember that never in any former or more economic period had there been so many checks upon the public accounts as there now were. It had been said that the House never refused a Vote. That might be the case, but no one could deny that the knowledge that the Estimates would

be criticised in that House, had a great influence on the expenditure of the different departments. He was most earnestly desirous that a generally satisfactory system of accounts should be in operation in all the public departments, but he did not see that that object was to be attained by adding half a dozen blue-books to the shelves of the library. The Government were not the only parties answerable for the present heavy expenditure. There was one account which, if furnished to the House, would afford some rather curious information. If hon. Members had before them a return of all proposals for additional expenditure made from time to time by non-official members, they would be astonished, not at what the Government had done, but at what they had not done. He believed that the proposal of the noble Lord would throw great difficulty and delay in the way of what was now being done to give effect to the recommendations of the Public Monies Committee, and he therefore could not give it his support.

SIR GEORGE BOWYER remarked, that having been one of the Members of the Public Monies Committee, and having attended its sittings with great care and attention, he was anxious to say a few words on the subject. He believed that the appointment of that Committee was due to a speech he had made in Supply. He remembered that the view taken by the Chancellor of the Exchequer of that day (Sir George Lewis), who represented the Government on that Committee, and also by the late Mr. Wilson, was that the ancient and constitutional control exercised by the Exchequer was useless, and caused delay in the management of the public affairs. Mr. Wilson stated an opinion to this effect—that the public money ought to be paid into one account at the Bank of England, and that the Treasury should have unlimited power to draw on that account, subject only to the control of that House. A great deal of evidence was taken by the Committee, and the result thereof was decidedly opposed to the opinion he had just cited. His own opinion was, that this constitutional control, so far from being relaxed, should be strengthened, as affording a means of ensuring the application of money to the particular service for which it had been voted. Without this control the supervision exercised by that House would be entirely useless. With regard to what his noble Friend had said on the subject of Trans-

fers, he believed that unless those Transfers were allowed it would be almost necessary to keep a separate Banking Account for each department, and that the balances in the Exchequer would be unnecessarily and inconveniently diminished. The great care should be that the totals should not be exceeded. The control of Parliament by the appropriation of monies could only be carried into effect by the control of the Exchequer over the issue of public monies. But the moment the monies were issued from the Exchequer that control was at an end. The problem was, how the appropriation and application of the monies could be ensured after that. That problem could only be solved by a proper system of auditing the public accounts, and the evidence given before the Committee had proved that this Audit was at present in a most unsatisfactory state. Every public department ought to have all the powers necessary to enable it to discharge the duties intrusted to it. But the Board of Audit had not those powers; it was subordinate and practically impotent. The Board of Audit should not be a subordinate department of the Government; it should possess the same powers as in France and other Continental Countries was vested in the Court of Accounts. It should have power to summon persons and call for documents. It should have power to punish the persons who did not produce the Documents, by committing them to prison. If it possessed those powers, it would be really efficient, and have control over its own business. The Secretary of State as well as the Chiefs of other departments should be bound to account to the Board. The Board of Audit, however, had no power to enforce the production either of persons or papers, but was treated as a subordinate department of the Government, and the Secretaries of State were not considered to be subject to the authority of the Board. So, if the Board of Audit found that even malversation and peculation had been committed, all it could do was to surcharge the accountant and send back the account, which, however, might be delayed for any period of time. The Board must then report to the Treasury, and they would instruct the law Officers of the Crown to take proceedings. The Board ought to have the power of distributing its own work. At present a number of accounts came in together, and a great press of business was the consequence,

*Sir Francis Baring*



while at another time there was no possibility of getting the accounts in. The Board of Audit ought to have the power of making orders on accountants, requiring them to bring in their accounts at proper times, and of enforcing such orders; and also of compelling accountants to appear and answer queries, and produce vouchers without unnecessary delay. Then the Board would have the control of its own business. He trusted the Chancellor of the Exchequer would tell the House that some steps had been taken by the Treasury to carry into effect the recommendations of the Committee and to make the Board of Audit more efficient. If it were intended to leave the Board in its present state, it would be better to get rid of it altogether, seeing that its machinery was very expensive, while it afforded no real security to the public.

MR. PEEL said, that the House would be led into error if it attached implicit credence to what had been stated by the noble Lord as to the authority attaching to the Resolution he had moved. The noble Lord had told the House that the Resolution was word for word copied from the recommendations of the Public Monies Committee. He could not have claimed higher authority for his Resolution, for, comparatively short as was the time that had elapsed since that Committee made its Report, most of its recommendations had been carried into effect either by the Government or by Act of Parliament. The recent changes made in the constitution of the Pay Office, in regard to Exchequer Bills, the extension of the appropriation audit to the Revenue Accounts, and the appointment of a Committee of that House last year for the purpose of examining and revising the Audited Accounts—all these innovations had been adopted in pursuance of the recommendations of that Committee, and showed the just authority that belonged to their Report. He thought, however, that Committee would find it difficult to recognise in the Resolution of the noble Lord any recommendations of their own; for although the words were the same, the sense thereof was totally different. The noble Lord's Resolution consisted of fragments of sentences which had been extracted from the Report of the Committee, and blended together with a total disregard of the sense and the context of the passages from which they had been taken. The noble Lord read two passages from the

Report, the first two or three lines of which were in conformity with the first two or three lines of the noble Lord's Resolution. The Committee then went on to recommend that some officer from the Audit Board should be placed in the Pay Office to follow the payments that were made. The noble Lord omitted the recommendation founded on the reasoning of the Committee and substituted a proposition of his own, that a Committee of the House of Commons should be appointed for that purpose. Then, again, the Committee recommended that a Select Committee should be appointed for the purpose of revising the Audited Accounts. But what was the proposition of the noble Lord? The noble Lord had proposed that the Committee should not only revise the Audited Accounts, but also the Estimates. He need not further remark on that point than that this Resolution had no claim to be entertained favourably on the ground of authority, and that if it were at all admissible it must be upon its own merits. The subject upon which the noble Lord had spoken was of a very complicated and technical nature, and he (Mr. Peel) was not ashamed to confess that he did not feel himself able to follow the noble Lord through all the opinions which he had expressed—opinions which he believed were not in a few instances incorrect, with regard to balances, transfers, votes of credit, and civil contingencies. The noble Lord concluded by saying that he desired no other changes than those which had been recommended by the Public Monies Committee, but he would find no passages in their report which at all affected the present system of army or naval expenditure. All that the noble Lord had said with regard to the Audit Board having no control over the expenditure of those services was answered by reference to the Act of Parliament which imposed upon that Board the duty of presenting to the House an appropriation audit, making a comparison between the grants of Parliament for a particular period and the expenditure out of those grants for the same period. That Act of Parliament charged the Admiralty and the Military Department with the duty of auditing their own accounts, and the reason was, that that audit could be more efficiently carried out by those departments. He would therefore confine his remarks principally to the Civil Service Estimates, with which he was more familiar; and with regard to the expendi-

ture under that head he acknowledged that the House did not possess the same full information which it had with regard to the military and naval expenditure. True it was that the Estimates which showed the expenditure which the Government desired to make for a coming year were presented to the House with the fullest details, divided into some hundred or two hundred Votes, and each Vote again minutely subdivided. But with regard to the expenditure which actually took place the House did not possess the same information. With the noble Lord's object in that respect he entirely sympathized, and was as anxious as the noble Lord could be that the House should possess the most accurate, complete, and detailed information, and that it should have placed before it every year an account showing the comparison between the grants which had been made to the Government and the amount which had been actually expended. He did not think that there was at the present day any question as to the manner in which the control of that House over the appropriation of its grants should be carried into effect. It was true that at the time the Public Monies Committee was sitting there was a question whether some effectual control might not be provided by means of checking the issues from the Exchequer. The law of the Exchequer was, that more money could not be issued on account of any grant than that House had voted for that particular purpose; and if no money were to be issued from any other source, perhaps this provision might be effectual. But the House should recollect that services were carried on abroad by means of issues from the Treasury chest, just as at home they were carried on by issues from the Exchequer. Therefore it was impossible to know at any one moment what had been issued for the public service on account of any particular grant. The conclusion, therefore, to which the Committee came was, that the effectual way to give the House a control was to wait until the payments were made, and then to have a detailed account of the outlay with reference to the grants made for the services of the year presented to Parliament. The right hon. Baronet (Sir F. Baring) had complained that there had been a delay in applying that check to the Civil Service, and undoubtedly there had been some delay, but it had been owing to difficulties of detail which could not

*Mr. Peel*

easily be surmounted. There had been a difference of opinion between the Audit Board and the other departments of the State as to which should prepare this Appropriation Account, and before the Public Monies Committee, in 1857, the view of the Audit Board was, that it should be prepared by some other department—the Treasury, for example; and the Treasury at that time entertained the same opinion; but the view now entertained was, that that duty should devolve upon the Audit Board, because by it the accounts of expenditure were examined in detail. The noble Lord complained of certain defects in the constitution of the Audit Board, and thought that some changes should be made, with a view to giving increased independence to the audit. But the Audit Board was, in reality, an independent department. The Commissioners held their office on a judicial tenure, their salaries were paid out of the Consolidated Fund, they were responsible to Parliament alone, and Parliament alone could remove them. With respect to the performance of their duties, they were altogether independent, nor would they tolerate any interference on the part of the Treasury or any other office. But the noble Lord said they were not entirely independent, because it was for the Treasury to determine what accounts they should audit, and it was only a fraction of the public accounts that was audited by the Board. But since the Act of Parliament required that the military and naval expenditure should not be audited by the Board, there only remained the Revenue Accounts and the Civil Service Accounts; and he believed that out of £11,000,000 or £12,000,000 of those accounts the Audit Board audited £10,000,000. The Audit Board acted upon fixed rules. When an account was presented to them, they required that proper vouchers should be produced; and if they were not produced, they disallowed the charges; but there might be reasons for those accounts being allowed, and a discretion therefore had been vested in the Treasury for that purpose. With regard to the proposal that a Committee should be appointed for the purpose of revising the accounts, that recommendation had been already acted upon. The recommendation was first made by the Public Monies Committee in 1857, and it would be in the recollection of the House that in the last year a Committee of Accounts was appointed, which went through several of



those accounts, and which in the course of the Session presented no less than five reports. When the noble Lord complained that no improvements had been effected in consequence of those recommendations, it would be enough to remind the House that two of the most important of those recommendations had been carried out by Act of Parliament in the course of the same Session, and the noble Lord would find that other recommendations had been carried out, as far as it was possible for the Treasury to do so in the interval. The remaining proposition of the noble Lord was, that the Committee should revise the Estimates. But if it were to do that, it would do one of two things—it would either supersede the House in its duty of examining and passing the accounts, or it would supersede the Government in its duty of submitting them. Now, would it be likely that a Committee of that House would discharge the duty of revising the Estimates better than the House itself? Was it not clear that in the House at large there was to be found a greater variety and combination of talent than could be obtained in any Select Committee? If the noble Lord meant that the Estimates prepared by the Government should only reach the House through the medium of this Select Committee, then the result would be that the responsibility of the Government for the Estimates would in reality be transferred to an irresponsible body. He thought, therefore, that he had given a sufficient answer to the Resolution moved by the noble Lord. Nothing had been said by the noble Lord as to the concluding proposition in the Resolution—namely, that some inquiry should take place as to the time when the Estimates should be presented. It would be recollected that the Army and Navy Estimates were presented as early in the Session as possible; and with respect to the Civil Service Estimates, the Committee of the year before last recommended that they should be presented simultaneously with the Army and Navy Estimates. Hitherto it had not been usual to present the Civil Service Estimates till about the month of June, but last year they were presented very much earlier than usual; and in the present year he trusted that it would be in the power of the Government to present them still earlier. The Government were endeavouring to carry out the recommendations of the Committee, and to present them at the beginning of the Session

in the same way as the Army and Navy Estimates. He thought that he had said enough to justify him in disagreeing from the proposed Resolution; though he was as anxious as the noble Lord that the House should possess full knowledge of the manner in which the grants provided for the public Service were subsequently appropriated; and the desire of the Government was to expedite and accelerate the introduction of a state of things under which that information would be afforded to the House.

MR. WHITE said, that before he avowed his dissent from some of the opinions expressed by the noble Lord the Member for Huntingdon, he desired to tender to him his warmest thanks for the care and industry which he had displayed in the treatment of this subject, and the zeal which characterized his efforts to enable that House to have some practical control over the expenditure of the country. But he (Mr. White) must confess that the noble Lord had not satisfied him that they had great occasion to fear the aggressions of successive Administrations. He was inclined to think the fault lay with themselves—that the root of the evil was with them. It was to the supineness and the gross neglect of Parliament in regard to its duties that they owed this growing augmentation of the national expenditure. No one could deny but that they had the amplest details of the expenditure given in the annual Estimates that were laid upon the table; but, if such a thing were possible, he should be curious enough to ask for a return of the Members who read the Estimates that were annually issued. He thought their number would be very few. Unless a man had been trained to business and possessed habits of industry, it would be almost appalling to him to have to read over the amount of information which was now afforded. He had taken the pains to go through the Estimates for this year, and those for last year. They had only had the Army and Navy Estimates this year. He found that the number of folio pages occupied with the Estimates for the Army for 1861-2 were 155, and the number of items 4,728. The number of folio pages occupied with the Navy Estimates was 107, and the number of items 1,403. In the revenue department, 97 folio pages and 2,498 items. Under the Estimates for the Civil Service, No. 1, there were 46 folio pages and 876 items; in No. 2, 54 folio pages and 1,366 items; No. 3, 77 folio

pages and 2,993 items; No. 4, 46 folio pages and 1,078 items, with reports; No. 5, 82 folio pages and 764 items; No. 6, 73 folio pages and 1,857 items, with reports; and No. 7, 17 folio pages and 270 items—making a total of 704 folio pages and 17,833 items, not including 18 other papers bearing upon the Estimates, and consisting of upwards of 100 folio pages. There never was more ample information afforded to a Legislature, if that Legislature would only do its duty. Year after year there was an increasing apathy displayed in the discussion of the Estimates. The noble Lord the Member for the East Riding of Yorkshire told the House on the preceding evening that, when the noble Lord at the head of the Government was Secretary of State for War, he had to undergo a discussion extending over twenty-one nights in passing through his Estimates. But, now that the Estimates were double in amount, it seemed they were not to bestow the same number of hours as they did days in these hard-working times. One thing was certain, that each year had brought with it an augmentation of the business of the House; and therefore it might be that, owing to the accumulation of public business, the attention of hon. Members was diverted from the Estimates, which before used to be the absorbing topic. However, it was quite certain that the time had now arrived when they must do something; and it was in that spirit that he tendered his thanks to the noble Lord. They must begin to inquire what it was they could well do, and what they could well do that alone ought they to do. He thought it was important that the attention of the House should be directed to the expenditure that had gone on increasing so rapidly of late years. It was quite obvious, from some cause or another, that in the matter of Supply they went on very badly, in proof of which he would refer to the Votes in Supply. In 1852 they voted in Supply £22,981,609, and in 1861 they voted £42,180,031, less cost of revenue collection, not included in 1852, £4,778,574. Therefore, by a comparison of the two years, it would stand as £22,000,000 against £37,000,000 in 1861. There had likewise been a considerable increase in the Army Estimates during the same period. In 1852 they voted for the army, £9,408,109, and in 1862, £15,302,870, showing an increase of £5,994,761. For the Navy they voted in 1852, £6,705,746, and in 1862, £11,794,305, being an increase of

*Mr. White*

£5,088,559. The augmentation in the Civil Service Estimates was somewhat more extraordinary. They voted in 1852, for the Civil Service, £4,407,754, and in 1862, £7,848,069, showing an increase that was almost incredible of £3,440,315. In 1851, the cost of the army and navy was at the rate of 15s. per head of the population, and in 1861 it had reached 20s. per head. Then, with reference to the Civil Services, he found that, whilst in 1851 the cost of those services was at the rate of 5s. per head, in 1861 it had reached the figure of 7s. per head of the population. Thus, we were now spending at the rate of £14,500,000 per annum more than we did ten years ago, which they might say was nearly £1,250,000 per month in excess of the expenditure of only ten years ago. Well might the right hon. Gentleman the Chancellor of the Exchequer be compelled to point out in his last budget speech that the total interest on the savings of the nation during the last ten years had been absorbed and swallowed up in the grave of this vast expenditure. At a critical epoch in our recent history we were authoritatively reminded, and from a very high quarter, that representative institutions were upon their trial. Looking at the inordinate growth of our national expenditure, as sanctioned by Parliament, could it be long, he would ask, before public opinion would indignantly repeat that solemn warning? He thought not. And he must add that the aiders and abettors of the present mania for extravagance would be alone responsible should the masses of their countrymen be forced to believe that Parliamentary Government, as now administered, is nothing, after all, but the cunningest device which the selfish subtlety of the governing classes could contrive to extract the largest amount of taxation from the hard-working, overburdened, but unrepresented portions of our community.

MR. NEWDEGATE: Sir, the hon. Member for Brighton has just repeated that which I hold to be a calumny upon this House. He has stated that the unrepresented classes, as he is pleased to call those who have no votes, and who are not therefore directly represented in this House—

MR. WHITE: I beg the hon. Gentleman's pardon. I put it hypothetically, not affirmatively.

MR. NEWDEGATE: Then I will deal



with the hon. Member for Brighton hypothetically. We will suppose the hon. Member not being present in the body, though I think I see him before me, was thought by this House to have said or rather that his shadow intimated, in a manner more impressive than by speech, that the unrepresented people of this country were oppressed by this House, which extracted from the produce of their labour the means of extravagance for the wealthy classes. But what are the facts which mark this evening's debate? Why that a Member of the wealthy classes, a noble Lord, the brother of a Duke, has proposed to this House a means of promoting economy, and the hon. Member for Brighton, or rather the shadow of that hon. Member, who is the especial representative of the unrepresented classes, as he terms them, rises in his place and endeavours to defeat a *bonâ fide* attempt to enforce economy in the national expenditure.

MR. WHITE: I do not oppose him. I mean to vote with him.

MR. NEWDEGATE: Then the hon. Gentleman seems to have changed; for I certainly understood him to say that he thought the proposal was futile, and that he did not agree in the noble Lord's suggestion. I am delighted to hear, however, that in the body the hon. Member will vote with us, although his speech has been against us. I allude to this fact, because I hold that the noble Lord has rendered a very great service both to this House and to all classes in the country; for if I may judge by the laboured exposition of the hon. Under Secretary of the Treasury, by the laborious effort which he has made to explain to the House that which it is our duty to understand—namely, the course of the public expenditure—it is perfectly clear that, unless some means are adopted to simplify the consideration of voluminous Estimates as they are presented to Parliament, not before, but as they are laid upon the table of the House by the Government, whose function it is to present them, so as subsequently to simplify the consideration of them, we shall see Session after Session empty benches just in proportion to the increased volume of the details with which we are encumbered. Now that is a practical evil which was considered in some degree by the Committee on public business, upon which I had the honour to serve. And, Sir, it is a matter which I know has engaged your own attention;

because that Committee were glad to avail themselves of your advice and experience, as well as that of the noble Lord who formerly occupied the Chair of this House, in order to ascertain how it was possible to prepare these accounts, so that, when they are considered, the House might come to such specific Resolutions with respect to such aggregations of minor items of expenditure as would enable us to deal effectually with the main subjects submitted to our consideration. But, Sir, I would for a moment advert to the speech of the right hon. Baronet the Member for Portsmouth (Sir F. Baring). What does that speech amount to? It amounts to this: that if the mode of proceeding with respect to these accounts of expenditure by Parliament is to be reformed at all, it must be reformed by the Government and not by this House. Well, Sir, what encouragement had we last Session to anticipate that the Government would aid us in the task? Late in the Session, when the Appropriation Bill was brought before the House, a shadow thinner than that of the hon. Member for Brighton, was hypothetically laid before us, the mere title of a Bill, for the substance of it was not printed for the information of the House, merely the name of it appeared on the Votes; the noble Lord the Member for Huntingdon, proposed that we should not vote a Bill of the details of which we knew nothing. And what was the manner in which the noble Lord was met? He was told by the right hon. Gentleman the Chancellor of the Exchequer, in terms which the House will forgive me for quoting literally, that this Bill was mere surplusage, not worth printing, because the Government had no authority to appropriate monies to any other purposes than those for which Parliament had voted them. Now, how do we appropriate public money? If this doctrine of the right hon. Gentleman be correct, the House votes away millions annually simply by Resolution. Yes, we vote away millions by simple Resolution.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Gentleman is in error. I did not speak of the Appropriation Act; but of the Clause.

MR. NEWDEGATE: I beg the right hon. Gentleman's pardon. He did say the Clause; but the Appropriation Clause gives the character to the Bill.

THE CHANCELLOR OF THE EXCHEQUER: But you said I spoke of the Bill.

MR. NEWDEGATE: Well, as the Bill

was not presented to us, I may be excused if I fall into some error of detail; but, at all events, the right hon. Gentleman stated that the Appropriation Clause, which gives the character to and forms the substance of the Bill, was mere surplusage. Then, I ask, is it decent that the provisions relating to this expenditure, which are to have the force of law, should be voted unseen by the House? Is it decent that we should vote only by Resolution, and should know nothing of the details of the enactment by which this expenditure is to be regulated? Sir, I think it is too obvious that this is reducing the functions of the House of Commons to a farce; too obvious to need further exposition. Last Session I felt it to be my duty to object to the form in which the right hon. Gentleman submitted his Supply Bill to the House. I objected to our being asked to vote the changes of taxation, the re-imposition of a vast mass of taxation, and the repeal of a large amount of taxation in the gross; and this Session, in supporting the Motion of the noble Lord, I object to being asked to sanction the expenditure in the gross. I am not one of those who desire to revert to the blind economy of 1835. I am perfectly aware that the enormous expenditure of late years results from this, that we are obliged to make up an arrear of those supplies which are necessary for the public safety, because in previous years, in defiance of the warnings of the Duke of Wellington, and in defiance of the warnings of the most competent both naval and military authorities, we voted our taxation in the gross and as blindly adopted economy in the gross by so voting. The noble Lord opposes such blind proceedings; what he asks the House to do is to adopt no new system, but to revert to the ancient means of Parliamentary control which have existed ever since the Revolution of 1688, but have been relaxed, as I think, most unwisely. For what has that relaxation led to? It has led to this: that the Chief Secretary for the War Department told us the other night that the law is now so shamefully lax that the Government have felt themselves obliged, in common decency, to render their administration of the public money more in accordance with the purposes which Parliament has sanctioned than the law in its present state enjoins. And, Sir, there are other reasons why I am of opinion that the noble Lord the Member for Huntingdon has done the

*Mr Newdegate*

country great service by the present Motion. A great Financier has been appointed by the Emperor of the French, M. Fould, to correct, if possible, the extravagance which has grown up under the present form of government in France; and the Emperor has well chosen his man. He has appointed M. Fould to castigate his ministers; and by way of sweetening the infliction he has consented to share it himself, and to set the example of humility by kissing the rod. But what are the characteristics of the able document which M. Fould has laid before the French Legislature by the order of the Emperor? Why, the first eight paragraphs are devoted to reflections, not only upon the abuses in matters of expense under Parliamentary government, as it existed from 1815 to 1852 in France, but to direct reflections upon the whole system of Parliamentary control over public expenditure then exercised. The events of the last few years have taught me this. To look across the Channel for a little light on these subjects, if there remains anything unexplained in England. I have not forgotten all that then happened with respect to the commercial treaty, and how our finances were directly controlled by engagements that had been entered into by the Government with a foreign Power. I have learned to look across the Channel; and it makes me jealous when I see such tardiness exhibited in correcting the avowed laxity of our system, which suffers the transfer of expenditure from one item for which provision has been made by Parliament to another without the concurrence or knowledge of this House. Now, what is the scheme that has been adopted in France on the recommendation of M. Fould? It is this. That supplemental or extraordinary credits shall no longer be permitted to be issued by the various departments. So far that tends to a wise economy; but the other recommendation is, that the powers of the Emperor in transferring the supplies nominally voted for one department or one purpose to another department or another purpose shall be increased, and the effect will be that the increase of the total expenditure will be curtailed, and brought within certain limits, but that the Emperor will have almost unlimited control over the application of the whole of the revenue which is raised. Sir, I say that we ought to take a warning from this. It is M. Fould's function and purpose to guard the absolute power of the



Emperor from all Parliamentary interference, and that is the object of M. Fould's recommendations, because these supplemental or extraordinary credits must come some time or another under the consideration of Parliament, and Parliament would naturally not deal with those credits or supplies unless it was informed of the objects on which the expenditure had been made. Thus would grow up in France that which neither M. Fould nor the Emperor intends, the responsibility of ministers and a system of Parliamentary control. The system of supplemental and extraordinary credits is therefore abandoned, because it would lead to Parliamentary control; but the substitute for this is the uncontrolled power of transferring credits from one item to another and from one department to another by the absolute power and at the discretion of the Emperor, for the power of so transferring is limited and controlled by very little (if any) Parliamentary responsibility. It is evident that these measures are wise and appropriate for a despotic Government; but we cannot permit them to be imitated in England, if we mean to preserve, as I trust we do in this House mean to preserve, ministerial responsibility throughout the whole course of financial action, and especially with respect to the principal items of expenditure—if we mean not to deal with Governments in the gross, not to wait until, left unsupported by the economical action of this House, each Government fills up its measure of iniquity, and then to eject Government after Government; but, on the contrary, to aid each Government in the prosecution of economy by an intelligent revision of the items of the public expenditure and thus to secure both efficiency and economy. If such is our purpose, then I see no means by which it can be better attained than those which have been suggested by the noble Lord; and if he goes to a division, I shall certainly give him my support, the more so because the only valid answer to the vague and offensive imputations which have been thrown out against the House of Commons is to show that we are practical men, that we have not lost our business habits when we enter this House, but that by such a division of labour as will render our action really effectual we are prepared to exercise an intelligent control over the public expenditure. That, Sir, is why I support the noble Lord. It is all very well to say that the noble Lord pro-

poses to appoint a Committee, and that the Committee will lead to delay. Sir, no one knows better than yourself, and your evidence before the Committee on Public Business reminds me of the fact, that it is impossible for this House to act independently in these matters, except through a Committee—by that means only can we extemporize an executive to direct our independent action. After the Government have submitted the Estimates to our consideration, we may thus succeed in effectually accomplishing our duty to the country. Disagreeing, therefore, entirely with the hon. Gentleman the Under Secretary for the Treasury in his assertion that the noble Lord's proposal is not in accordance with the recommendations of the Public Monies Committee; remembering, Sir, that he has bowed to your suggestion with regard to the action he at first intended to impose upon you as Speaker in the nomination of the Committee he proposes, and thinking that he has fairly embodied the sense and purport of the recommendations of the Committee on Public Monies in the form of his Motion, I can only feel it to be my duty to support him, with the view of hastening those amendments which I believe to be eminently requisite for the public service and for the maintenance of the character of this House, I will not longer detain the House than to say that I think the Government will have no right to complain of the action of this House if we adopt this course. I am sure the noble Viscount at the head of the Government would not willingly see this House so blindly following him as to render themselves liable to the imputation of being accessory to the establishment of an unconstitutional power. The noble Viscount is said not to be greatly enamoured of reform. Now, I am one of those Conservatives who have avowed that they do not look upon representative reform as necessarily an evil. I believe that there are many portions of our representative system which need to be adjusted; and when the right time comes, I trust I shall be found acting in conformity with that avowal. But sure I am of this, that if once this House renders itself liable to the imputation of gross extravagance or of supineness; if the Members of this House do not act here upon the same business principles which they apply to the conduct of the affairs of the several localities in which they reside and to their own private

affairs, we shall have to encounter a desire for a change in the constitution of this House in a sense so democratic that, perchance, the Parliament of England may be thereafter rendered as incapable as the Parliaments of France have, according to M. Fould, proved themselves of performing their functions with respect to expenditure and in the defence of the liberties of all classes of the people. It would then, indeed, be necessary that we should yield all these matters blindly into the hands of a bureaucracy which can be controlled only by an autocratic form of government.

MR. AUGUSTUS SMITH said, that in his opinion the most important and valuable part of the Motion was that which declared that the Committee should have power to examine and report upon the Estimates. If the Estimates were referred to a small Select Committee, to be nominated by the Speaker, the Report of such a Committee would be of inestimable value for the guidance of the House in their discussions. By the existing system the expenditure was rather increased than diminished. He therefore hoped the noble Lord would not withdraw that part of his Resolution. The right hon. Gentleman the Secretary for the Treasury appeared to think that the Board of Audit had sufficient powers, but the whole evidence relative to the public expenditure showed that the Board had not those powers; and for this reason, that under 9 & 10 *Vict.* c. 2, the Treasury had the real control. It was left to the Treasury to determine in what manner items objected to by the Board of Audit should be presented to Parliament. The Board of Audit had been established by 25 *Geo.* III. with a view to the thorough control of the public expenditure; and yet, somehow or other, a thorough control of the expenditure of public money had not yet been secured. Such a state of things was a reflection on the House. He therefore should support the Resolution of the noble Lord.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I would submit to the House whether, under the circumstances in which this Resolution has been moved by the noble Lord—who is not now in his place—there is much advantage in the prolongation of this discussion, or in taking a vote on the subject of the Resolution; for the Resolution is one that, in the first place, embraces matters not only so complicated but so heterogeneous that obviously they

*Mr. Newdegate*

ought to form the subject of separate debate. No two things are more distinct for all practical purposes than the public accounts and public expenditure; but the noble Lord has unfortunately combined in one and the same Resolution the appointment of a Committee to examine the Estimates before they are submitted to the House, and the appointment of a Committee to examine the Public Accounts after that has taken place. These two propositions, entirely distinct, he combines in one Resolution; he submits his Resolution in that form to the House. At the same time he says he is perfectly ready to alter the terms if required; but my hon. Friend behind (Mr. Augustus Smith) naturally gets up and says the part which the noble Lord is ready to drop is the most valuable of all. The effect of this is, that it is impossible for us to know what we are really debating and how we should express clearly the views of the House. If the question of a Committee to examine the Estimates and expenditure is to be debated, all I can say is, there never was a proposition which more entirely deserved solemn and separate discussion—a proposition more important and one cutting more deeply into the roots of our entire Executive—ay, and I may add into the roots of our political system—it is difficult to conceive. At any rate, it is a proposition most inappropriate to mix up with a discussion on the manner of rendering or examining public accounts. I cannot attempt to discuss these entirely different matters at the same time, but I will direct myself to the principal object of the noble Lord. He has shown on this occasion his own zeal and diligence; and the House will be extremely glad to see another Member of Parliament adding himself to that number—necessarily a very small number—who are disposed to give up their time and attention to the driest of all possible subjects, but which is also not the least important—namely, that of rendering and examining the public accounts, and facilitating the functions of the House with regard to the public expenditure. Now, how do we stand? I confess I did not gather very clearly from the speech of the noble Lord the precise object he had in view. If I may say so, he cast his net too wide, and included too many subjects—perhaps from an anxiety to spare the time of the House. But this Motion, if I comprehend its terms aright, includes—apart entirely from the question of the Estimates—a portion of



matter which has been disposed of already, and a portion of matter which the Government have already declared their intention to dispose of. The portion of matter already disposed of is that which fell within the province of the Committee on Public Monies. I do not think that of late years there has been any Select Committee of this House appointed which has discharged its duties in a more thorough and workmanlike manner than the Committee on Public Monies. My right hon. Friend the Member for Portsmouth (Sir F. Baring) would have been justified in making a more pointed allusion to his own merits and services in connection with that Committee than the very slight reference he made to them; in fact, his services on the Committee give the greatest authority to whatever falls from him on this subject. But the whole question of the constitution of the Board of Audit, and of the measures to be taken for rendering complete the investigation of the public accounts is a question which has already been considered by the Public Monies Committee. That Committee has made its recommendations; many of those recommendations have been fulfilled, others are in course of fulfilment; and I submit to the noble Lord that it would be a positive obstruction to the work of improvement—because it would be actually stopping the Executive in the prosecution of the measures requisite to give effect to those recommendations—if the House were now to appoint a Committee to resume the same subject matter of inquiry, and attempt to do over again what has been done so well and so completely already. The only other effect of the Motion, as I rather gather from the terms of the first part of the Resolution—although I am not quite sure how far that is meant to be included in it—would be the appointment of a Committee to discharge the duties which were undertaken last year by the Committee of Public Accounts. The noble Lord is, no doubt, aware that the Government has declared its intention to propose the re-appointment of that Committee; and, with great respect to him, I must confess it appears to me that there would be no advantage in taking its re-appointment out of the hands of the Government in order that it might fall to the share of an independent Member of Parliament. The noble Lord, indeed, states in his Motion that the Committee is to be appointed by you, Sir. But he has

found out his error, and therefore he proposes to amend his own Motion by providing that the nomination should be made through the Committee of Selection. Let me therefore ask, has the noble Lord consulted the Committee of Selection on the propriety of intrusting them with this function?

LORD ROBERT MONTAGU said, he had had no opportunity of consulting the Committee of Selection, because the Speaker had informed him of the necessity of altering the words of his Resolution only ten minutes before he rose to move it.

THE CHANCELLOR OF THE EXCHEQUER: I therefore wish to supply some information to the noble Lord. The Committee of Selection was fully consulted last year by the Government on this subject, and it declined to undertake this duty, giving for its refusal what we deemed very fair reasons. It was thought that the nomination should be made by the Government in concert, of course, with all the Members of this House of the greatest weight and authority on such subjects. Therefore the noble Lord, instead of persevering with this Resolution, would do much better if he would permit us to pursue the course which we have already announced to the House our intention to adopt, and allow us again to appoint the Committee of Public Accounts, with the view of ultimately providing for the Sessional appointment of that Committee.

Another object of the noble Lord is to propose a great change in the powers and constitution of the Board of Audit. I do not understand why we are not to let that matter rest upon the recommendations of the Committee on Public Monies. The noble Lord and some other hon. Members would seem to have got an idea of the possible powers of the Board of Audit which is quite erroneous. They appear to think that Board can become an efficient control over the public expenditure. But that is not the function of a Board of Audit. That Board is to ensure truth and accuracy in the public expenditure. In point of fact, it may be called, in one word, a Board of Verification. But it would be perfect presumption in the Board of Audit if it were for a moment to attempt to exercise a judgment as to any degree either of parsimony or of extravagance which the Government might be thought to be adopting under

the sanction of this House. As to the proposal of the hon. and learned Member for Dundalk (Sir G. Bowyer), I confess I think it entirely impracticable and out of the question. He proposes to arm the Board of Audit with coercive powers of committal for contempt, powers of commanding the departments of the Government as to what is to be done and what not to be done there. I venture to say that such a conception of a Board of Audit is wholly without precedent. Besides, the objection to it is that it would be transferring to the Board of Audit what is really the function of this House. It is in the Committee of Public Accounts—which has been appointed, and which is about to be re-appointed, if the noble Lord will allow us to do so—it is in that Committee and in its investigations that the House will have the best security for the due, speedy, and effectual examining and rendering of the Public Accounts. To the principles which have been declared by the Committee of Public Monies respecting the Board of Audit I cordially adhere. At the same time the matter is one not to be settled in a day. Many of the things recommended in regard to audit have been done; and as to the final question, how the functions of audit are to be divided between the Board of Audit and any of the other departments of the State, especially the Treasury, I think the labours and the recommendations of the Committee of Public Accounts will be the safest guide that we possibly can have. As far as the Treasury has an opinion or desire on the subject, nothing can be so agreeable to our views and inclinations as that the dignity, efficiency, and punctuality of the Board of Audit should be carried up to the highest possible degree. A point has been touched by the hon. Gentleman who spoke last on which I may say a word. The point is not embraced in the Motion before the House; but, then, that Motion is so exceedingly wide that I fully grant it allows every Member of the House the liberty of introducing *ad libitum* those subjects which he may deem cognate to this discussion. The hon. Gentleman referred to the payment into the Exchequer of the gross amount of the land revenues of the Crown; and he asked what was the meaning of a particular phrase used in the Report of the Committee on Public Monies. Now, the Committee would, no doubt, be able to explain the meaning of their own

*The Chancellor of the Exchequer*

words, but I cannot hold myself responsible for language which I had no share in employing. As far, however, as I understand the matter, the arrangement for the payment of the gross receipts of the land revenues of the Crown into the Exchequer stands upon quite a different footing from the payment of the gross receipts from all the other sources of the public revenue, because we do not enjoy the land revenues of the Crown in our own right—we have not the same plenary power over them that we have over the funds derived from the taxation of the people. We enjoy them under a particular compact with the Sovereign, subject to the limiting conditions of that compact; and obviously the most natural and proper time for the reconsideration of those conditions is the time which we all hope is far distant—namely, on the accession of a new Sovereign. That is the plain and obvious reason why we have not felt that the recommendation of the Committee of Public Monies in respect to the receipts from the land revenues of the Crown is within our power and discretion like the other recommendations of that Committee. With regard to the other recommendations of the Committee of Public Monies which remain unfulfilled, it is, I repeat, to the labours of the Committee on Public Accounts that we look as the best guide to the Government and the surest guarantee to the House of their speedy and effectual fulfilment. Sir, I trust that the noble Lord will not ask the House to go to a division upon this Resolution.

SIR STAFFORD NORTHCOTE said, that after the speech of the right hon. Gentleman the Chancellor of the Exchequer he heartily congratulated his noble Friend, not only on having made a very clear and telling statement, and on the pains he had usefully bestowed upon a dry and uninviting question, but also upon the substantial success he had met with in making his Motion. He confessed that until he had heard the right hon. Gentleman's speech he was in some doubt as to the course he should himself pursue in regard to the Resolution, because, while there was much in it in which he entirely agreed, yet there were different matters blended in it of so incompatible a nature that he would have felt great difficulty in voting with his noble Friend. But, after what had just fallen from the right hon. Gentleman, and after the course the debate had taken, he did not think it



necessary that his noble Friend should go to a division. At the same time it would not be fair to suppose—as the speech of the Chancellor of the Exchequer, if uncom- mented upon, might lead them to suppose—that the Motion interrupted or interfered with what the Government were doing in this matter. Its intention appeared rather to be to quicken than to retard the move- ment of the Government. His noble Friend desired that a Committee should be appointed for a certain purpose, and the House generally agreed in that desire. The Government said they intended to re- appoint such a Committee. But he had hoped, when his noble Friend's Resolution had been so long on the Notice Paper, that two or three weeks earlier his noble Friend's object would have been substan- tially gained by the Chancellor of the Ex- chequer himself moving the re-appoint- ment of the Committee on Public Ac- counts. Nobody who looked at what had been done, or at the difficulties and incon- veniences attending our system of Public Accounts, could doubt that the re-appoint- ment regularly from year to year of such a Committee as was glanced at by the Resolution would be one of the most effectual remedies we could possibly se- cure for the evils under which we laboured. The Committee on Public Accounts was appointed late in the last Session, and was consequently unable to take up the Army and Navy accounts, or a mass of the Civil Service accounts. They had, however, in- vestigated the accounts of the Revenue Department, the Board of Works, the Treasury Chest Fund, and the Civil Con- tingencies, with respect to which they made several most important recommen- dations, almost all of which had been adopted. He would give an instance:— That Committee had it in evidence that it had been the practice of the Revenue Departments to ask every year for enor- mous sums above what they wanted. In that way the Post Office got £60,000 or £70,000 more than they required. The Committee called attention to the system as an objectionable one, and the result had been that the Post Office Estimate for the present year was cut down by about that amount. That was one in- stance of a practical result of the labours of the Committee; but there was much which remained to be done, and he could quite understand that his noble Friend, seeing the difficulties that were still to be surmounted, was anxious to de-

vise some means by which matters might be brought to a satisfactory conclusion. It was true that the Chancellor of the Exchequer had announced his intention of moving the appointment of the Commit- tee on Public Accounts; but though the Navy Estimates had been gone through, and those of the Army had nearly been disposed of, and though other Estimates were to come before the House almost im- mediately, no practical step had been taken towards the appointment of the Commit- tee. However, though he thought his noble Friend deserved the thanks of the House for having set the ball rolling, he must, nevertheless, say that if his noble Friend found it necessary to divide the House on his Motion as it stood, he should not be able to vote with him. The objec- tion which he entertained to such a Com- mittee as that proposed in the Resolution being nominated either by the Speaker or the Committee of Selection was, that in such a case it would partake somewhat of a judicial character, which, though it might be very desirable for one of the purposes contemplated by his noble Friend, was not at all desirable for the other. If a Committee of that kind were appointed, and part of its duty were to revise the Estimates, in that case the effect would be to relieve the Govern- ment from responsibility without making any other authority responsible; and thus great evil might ensue. On that ground alone he thought that many hon. Members would feel themselves pre- cluded from voting with his noble Friend. Again, if that objection were set aside, it might be very proper to have a Commit- tee to revise the Estimates, and another to revise the Accounts; but he did not think that one Committee would be able to discharge these duties, in addition to those others which the Resolution would impose upon them. The Resolution also declared that it was to be an instruction to the Committee to report in what way the present duties and powers of the Board of Audit should be extended or changed. To that portion of the Motion, there was, in the first place, the objection that the Committee would have enough to do with- out having its attention distracted by such a subject as that. Besides, the matter had been most carefully considered by the Public Monies Committee. That Commit- tee made recommendations on the sub- ject, and these were in a form that would enable the Government, if so disposed, to

give effect to them. The subject was not one that could be disposed of in a day. He had before him the draught of a Bill which the Government of the Earl of Derby had prepared in reference to the Audit of the Public Accounts. It was full of amendments and alterations, and still he was not prepared to say that it was at all perfect, though there had been repeated consultations between the Board of Audit and the Treasury before it had been finally settled. He hoped that, after what had been said and done on the subject, it would receive the attention of the Treasury, and that a Bill would be introduced to define the powers of the Board of Audit. The Members of that Board themselves, it ought to be recollected, were not satisfied with their present position; but desired that something should be done to put them in direct relations with that House. They also required powers which they now had not. For instance, they required the power to conduct an audit of stores as well as an audit of cash. And there were many other points connected with the question of audit, on which legislation was required; but he did not think that any Committee to be appointed should be burdened with a subject like this, on which the Public Monies Committee had made recommendations, which it was perfectly competent for the Government or Parliament at once to act upon. So much as to the subject of audit; and he thought the same remark, though to a less extent, applied to the last part of the Resolution—"That it be a further instruction to such Committee to report to this House the exact period of the financial year when it would be desirable that the Annual Estimates should be presented to Parliament," &c. That was a matter of great difficulty, but he believed that the Treasury were alive to the necessity for action on the subject, and he hoped the Government were making an endeavour to bring the accounts of the various public departments into such a form as that the House might be able to deal with them as they were with those of the Army and Navy. He thought, however, that if the Committee were appointed, it would be very unwise to encumber it with that subject. What, then, was the difference between what the other portions of the Resolution asked for and that which the Government expressed their willingness to carry out? It reduced itself to *nil*. He quite agreed with

*Sir Stafford Northcote*

his noble Friend that it was desirable to have such a Committee appointed by some independent authority; but, as the right hon. Gentleman had pointed out, both the Speaker and the Committee of Selection had declined to undertake the duty of nomination. It rested, therefore, with the House itself to name the Committee, for it must not be forgotten that it was the House, and not the Government, which would be asked to nominate it. The Government might take the initiative, but the responsibility of the selection of members would rest, not with them, but with the House. The course adopted by the Government in such cases was to place on the table a list containing certain names; but it was in the power of any hon. Member of the House to move the omission of any or all of those names, and the substitution of others. If the Government brought down certain Estimates, and the House examined them and agreed to them, he thought they were entitled to demand every possible facility for seeing that the money so devoted was applied and appropriated as Parliament intended. Upon that point they were all agreed, and they also agreed that the best mode of attaining that security was by the appointment of a Committee. The question was how the Committee was to be appointed—whether by the nomination of the Speaker, by the Committee of Selection, or in the ordinary way. The two first modes had been disposed of, and therefore there remained but the last for adoption. Many, however, would feel that it was undesirable to encumber the Committee with a good deal of the work mentioned in these instructions, and therefore, admitting the objections which existed to the present system of transfer and to other parts of the present system, he would suggest to the noble Lord that he should be satisfied with the pledge given by the Chancellor of the Exchequer, and should not press the House to go to a division.

Mr. W. WILLIAMS said, that the reasons advanced by the right hon. Gentleman (the Chancellor of the Exchequer) against the Motion were not to his mind satisfactory. The subject under discussion had been before the House several times, and it had always met with an evasive answer. It was his opinion that the Crown Property would be far better managed if it were under the control of Parliament. He found, from a return which had been



laid on the table only three days previously, that the Crown Revenues amounted to four hundred and eleven thousand pounds, while the sum paid into the Exchequer was only two hundred and ninety thousand. In his opinion it would be most beneficial if the Property of the Crown was under the control of Parliament, and he could see no possible objection to such a course.

LORD ROBERT MONTAGU in reply said, it was not his intention, in replying, to detain the House many minutes, for there were but few points on which it was needful for him to touch. He must, however, protest against the speech of the hon. Gentleman the Secretary of the Treasury. He had stated that the Motion which he (Lord Robert Montagu) had asserted to have been entirely taken from the Report of the Committee of Public Monies, had not been honestly taken from that Report—that he had taken a word from this paragraph and a clause from that; disconnecting expressions from arguments which supported and qualified them; and had thus constructed a Resolution entirely at variance with the sense of that Report. This charge was most unfair and most unjust. He appealed to the House. Had he asked them to accept a single statement of his upon his own authority? Had he not supported every assertion by argument and evidence? Had he not read out three paragraphs in connection from the Public Monies Report, asking hon. Members to follow him by reading his Resolution? Could any course be more fair or more candid than that? But what has the hon. Gentleman done. Has he appealed to your reason? Has he addressed your judgments? No. He has made assertions without proof; he has drawn conclusions without syllogisms; he has put a Q.E.D. to statements without any argument to support them. He (Lord Robert Montagu) never had rested on any influence he might have with the House. But the hon. Gentleman, on the other hand, considered his authority to be such that the House must receive whatever he chose to assert. He must have a bad case or he would not have resorted to such miserable and unworthy subterfuges. A cause may be assumed to be weak when fallacies are resorted to. For what are fallacies? They are the signals of distress of a shipwrecked cause. He has said that the Audit Board has full powers by Act of Parliament. Of course! His

(Lord Robert Montagu's) complaint was, that the Act of Parliament had been ignored and overridden by the Treasury. He had proved that from the evidence of the Chief Commissioner of Audit, who said that the power of this House was laughed to scorn by the Treasury. But he left the speech, which he found it as unpleasant to answer as the hon. Gentleman evidently found it to make. The Chancellor of the Exchequer and the hon. Baronet the Member for Stamford had objected to the word "Estimates" in his Resolution. They neither of them objected to Estimates being referred to a Committee. The Chancellor of the Exchequer objected to the Estimates being "mixed up with the Accounts." The hon. Baronet stated that the same Committee could not attend to both Estimates and Accounts. No one had objected to a principle supported by the authority of many precedents. As it was merely a question of convenience, he was quite willing to omit the word Estimates altogether. The Chancellor of the Exchequer then objected to the Committee doing that which the Public Monies Committee had already done; and travelling over the ground which they had already travelled over. This he could not understand until he heard the speech of the hon. Baronet. Then he found that they both objected to the first instruction. The evidence which had been taken by the Public Monies Committee was either sufficient or it was not sufficient; it was either true or false. If it be insufficient or false, then surely no one could object to new evidence being sought. If it be sufficient and true, then the time of the Committee need not be wasted in taking new evidence; they can simply report upon that which has already been taken. The Chancellor of the Exchequer has rested his case a great deal upon the "intentions" of the Government. Why, Sir, we have never yet had any improvements from him. In 1860 the Miscellaneous Expenditure Committee was appointed in consequence of the Resolution of an independent Member that such a Committee should be appointed annually. Yet it had never been re-appointed, although it had reported in favour of the re-appointment. In 1861 the Public Accounts Committee was appointed by the Chancellor of the Exchequer to examine audited accounts only. But as the Audit Board is a sham and a pretence, this Committee was merely a blind and de-

lusion. Yet the right hon. Gentleman had promised that if the House accepted his Motion, he would move that it should be made a Standing Order. The House accepted the Motion; yet it had never been made a Standing Order. Then he (Lord Robert Montagu) had put his Motion on the books exactly a month ago; yet neither before nor after that time had the right hon. Gentleman shown the slightest symptom of moving in the matter. However, the matter about which he (Lord Robert Montagu) was most anxious—he addressed himself to independent, non-official Members—was this, that the control of the House should be fully maintained and preserved. There was no danger from prerogatives of the Crown. That day had long since passed away. The danger was from a Ministry who assumed all power to themselves and overrode both the Crown and this House. If we did not defend ourselves, this House, as he had shown, would become merely one of the useless appendages and paraphernalia of empire.

Question put.

The House divided:—Ayes 31; Noes 96: Majority 65.

#### INTERNATIONAL MARITIME LAW.

##### RESOLUTION.

MR. HORSFALL said, he was not indifferent either to the difficulty or the responsibility of submitting to the House at that moment the Motion which stood in his name, and for many reasons he should have rejoiced if the duty had devolved upon the hon. Member for Rochdale (Mr. Cobden), who early in the Session had given notice of a similar Motion, but who had courteously given way upon hearing that he (Mr. Horsfall) intended to renew the Motion of which he had given notice last Session. It would be in the recollection of those hon. Members who took an interest in the subject of International Maritime Law, that last year, when he brought forward a similar Motion, the present unhappy state of affairs in America did not exist, and he could not contemplate then, any more than he contemplated now, provoking a discussion upon the relative merits of the American Union or of a Southern Independence. On the contrary he was glad of an opportunity of expressing not only his own feelings, but those of a large majority of his constituents, by saying that he cor-

*Lord Robert Montagu*

dially approved the strict line of neutrality that had been taken by Her Majesty's Government. His object in mootng the question was to show the very unsatisfactory condition in which International Maritime Law now was. In the early part of Last Session he had inquired of the noble Lord the Foreign Secretary what steps the Government had taken to carry out the recommendations of the Shipping Committee of the preceding year on that subject. The noble Lord frankly declared that the Government had done nothing, and left it to be inferred that they intended to do nothing. It would be readily supposed that such a reply was anything but satisfactory to those who took an interest in the subject; they felt that the recommendations—the unanimous recommendations—of a Committee of that House, which had sat during a whole Session, and had been presided over by the right hon. Gentleman the President of the Board of Trade, were deserving of greater consideration than had apparently been given to them. Without wearying the House with the past History of International Maritime Law, he would remind them that antecedently to 1854 there could be no question but that privateering was recognised as a principle of International Law; that neutral goods on board vessels belonging to subjects of a belligerent Power were liable to capture; and that goods the property of subjects of a belligerent Power on board neutral ships were also liable to capture. That state of law was felt to be a great hardship, and in that year his right hon. Friend the President of the Board of Trade, then unfettered by the restraints of office, brought forward the subject in one of those spirited speeches with which he sometimes favoured the House, and by his Motion sought to commit the House and the Government to the principle that a neutral flag should make neutral goods. His right hon. Friend did him the honour to ask him to second the Motion, which he did with pleasure, and at the same time he took the occasion to urge on Her Majesty's Government the necessity for the abolition of privateering. The noble Lord the Foreign Secretary stated that in a short time a public document would be issued declaring the views of the Government. In a fortnight from that time his right hon. Friend the President of the Board of Trade had the satisfaction of seeing an Order in



Council issued, from which he would read an extract. The Order in Council of the 24th March, 1854, said—

"To preserve the commerce of Neutrals from all unnecessary obstruction, Her Majesty is willing, for the present, to waive a part of the belligerent rights appertaining to Her by the law of nations. It is impossible for Her Majesty to forego the exercise of her right of seizing articles contraband of War, and of preventing Neutrals from bearing the enemy's despatches, and She must maintain the right of a belligerent to prevent Neutrals from breaking any effective blockade which may be established with an adequate force against the Enemy's Ports, Harbours, or Coasts. But Her Majesty will waive the right of seizing an Enemy's property taken on board a neutral vessel, unless it be contraband of war. It is not Her Majesty's intention to claim the confiscation of neutral property, not being contraband of war, found on board Enemy's ships. And Her Majesty further declares, that being anxious, as much as possible, to lessen the evils of war, and to restrict its operations to the regularly-organized forces of the country, it is not Her present intention to issue letters of marque for the commissioning of privateers."

That was the first step towards Liberal Legislation in regard to International Maritime law. Two years afterwards—namely, in 1856—the Conference took place at Paris. The Powers represented at that Conference were England, France, Russia, Prussia, Austria, Sardinia, and Turkey. The Conference agreed in these four Declarations—

"1. Privateering is and remains abolished.

"2. The Neutral Flag covers Enemy's goods, with the exception of Contraband of War.

"3. Neutral goods, with the exception of Contraband of War, are not liable to capture under an Enemy's Flag.

"4. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the Enemy.

"The present Declaration is not and shall not be binding except between those Powers who have acceded or shall accede to it."

It was right to say that nearly every other Power afterwards gave in its adhesion to the Declarations of Paris except the United States of America. Assuming the principles contained in those Declarations to be now acknowledged Maritime Law, the questions which naturally presented themselves were, what would be its effect in the event of War? What had been its effect in time of Peace? Shipowners and importers of produce were at least men of common sense, and they would not ship a single package of goods in a vessel liable to capture if they had the opportunity of shipment in a vessel not liable to capture. The operation of

the law in the event of a war, say with France, would be that every British ship must be laid by in port. No shipper of goods would ship in vessels of belligerents when he had the power of shipping in neutral vessels. Every British ship would be laid by in dock while neutral vessels would obtain greatly enhanced freights. Worse still, British seamen would be drafted from British ships lying up, not into Her Majesty's Navy, but into neutral vessels, which could afford, and would afford, to pay a much higher rate of wages than had been, or would be, paid in the Royal Navy. Such would be the result of the present law in the event of war, and it was a most serious matter to the shipowner, the manufacturer, and the country at large. But what had been already the effect of the law in time of peace? Those who were acquainted with the shipping interest of the country knew full well what had occurred upon the mere rumour of war. A short time ago, when it was thought England might be involved in the war between France and Austria in Italy, however improbable the rumour might be, yet the moment it reached distant ports—such as Canton or Calcutta—a second-class American vessel was able to get freights at a 50 per cent higher rate than a first-class British ship could obtain. That was a very important point, and he was anxious to refer to the evidence of three witnesses examined before the Select Committee on Merchant Shipping. Mr. Allan Gilmour, one of the largest shipowners in the world, said that the stipulation of the Treaty of Paris would operate very prejudicially to British shipping if Great Britain were at war, and it was even then very prejudicial to the British shipowner. The very rumour of a war so enhanced the rate of insurance on goods by British ships that American and other foreign ships had a decided preference. Being asked to suggest a remedy, Mr. Gilmour said the only remedy was an international law which did away with captures entirely; in other words, to place ships on the same footing with the goods they carried. The next witness was Mr. Beazley, an extensive shipowner of Liverpool, who entirely confirmed Mr. Gilmour's opinion. He was asked whether he had himself suffered by competition with a foreign flag. Mr. Beazley replied that he could give a very strong case. He had two ships in China in May, 1859. One

had been built purposely to beat everything afloat. He said to the builder, "Build me a ship that will beat any mortal thing afloat, to bring home the first cargo of tea of the season." He had another ship at Foo-chow-foo. Just at that moment there was some talk about the Savoy and Italian business. There were two American ships at these ports, and the English merchants were so afraid to ship their tea in the British ships that they determined to ship in the American ships. They paid £2 a ton higher freight in those ships rather than take the British ships, because the Americans would not be subject to capture. In the case of England mixing herself up with any Continental law, Mr. Beazley stated that the law as laid down by the Convention of Paris threw at once all the trade into the hands of the Americans or neutral flags. He added, that the law should, in his opinion, go a step further, and let the ship be covered as well as the cargo. The last witness to whom he would refer was Mr. Graves, of Liverpool, formerly chairman of the Shipowners' Association, and who was appointed a Royal Commissioner to inquire into lights and light dues. Mr. Graves entirely confirmed what had been stated by the previous witnesses, that in case of a European war British shipping would to a very great extent remain at home unemployed. He added, that we must either go back and reverse the policy that the flag covers the cargo, or we must go forward and place the ship under the same category as the cargo, and make both free from capture. Mr. Graves said he only regretted that the British Government had allowed one day to elapse without accepting the offer of the American Government to make all private property free from capture at sea.

It had been truly said that the question was of great national importance, not affecting merely our shipping, our commerce, or our manufactures; in that opinion he entirely agreed. It was a question of the most vital importance. What would be the case of our merchant ships in time of war if they were not laid up in dock? In case of war merchant ships required a convoy, and would not that convoy be much better employed in fighting the enemy? As a question of finance, then, the matter was of very grave importance, and one to which the Chancellor of the Exchequer, he thought, might direct his attention with advantage. He would not

*Mr. Horsfall*

go into the subject as a question of humanity, though much might be said from that point of view. But it was said by many—and some of his hon. Friends near him were of that opinion—"Oh, make war as calamitous as you can, and you would then be able to bring it to a speedy conclusion." But he was happy to think that that was not the feeling of those whom he had the honour to represent, of the country, nor of Her Majesty, as appeared from the Order in Council which he had just read. Her Majesty there declared, that—

"Being anxious to lessen as much as possible the evils of war, and to restrict its operation to the regularly-organized forces of the country; it was not her intention to issue letters of marque."

Neither was that the view taken by the Government who issued that Order; nor the view of the noble Viscount (Viscount Palmerston), whom, a few years ago, he, among others, cordially welcomed to Liverpool, and whom he should be proud to welcome there again. Upon that occasion—it was the very year in which the Declaration of Paris had been signed—the noble Lord dilated upon that subject to the assembled merchants of Liverpool in glowing language, and made use of these words—

"Gentlemen, we are not inattentive to other interests besides those connected with the grand transactions of war. It has been a subject of great satisfaction to us to reflect that at the commencement of that conflict (the Russian war) the Government of England, in concert with that of France, made changes and relaxations in the doctrine of war which, without in any degree impairing the power of the belligerents against their opponents, maintained the course of hostilities, yet tended to mitigate the pressure which hostilities inevitably produce upon the commercial transactions of countries that are at war. I cannot help hoping that these relaxations of former doctrines, which were established in the beginning of the war, practised during its continuance, and which have been since ratified by former engagements, may perhaps be still further extended; and in the course of time the principles of war which are applied to hostilities by land may be extended, without exception, to hostilities by sea, and that private property shall no longer be exposed to aggression on either side. If we look at the example of former periods, we shall not find that any powerful country was ever vanquished by losses sustained by individuals. It is the conflicts of armies by land, or fleets at sea, that decide the great contests of nations, and it is perhaps to be desired that these conflicts should be confined to the bodies acting under the orders and directions of the respective States."

Now he (Mr. Horsfall) desired no better testimony to the justice of his case than that Order in Council and that admirable



speech. He had heard it said that naval officers would not like to be deprived of their prize money, and that there would be no encouragement to young men to enter the navy if the course which he was advocating should be adopted. But he would not insult our naval officers by supposing for one moment that they were actuated by such sordid and unworthy motives. He could speak for those whom he had the honour of knowing, and it was a libel upon them to say so. They all knew, that so far from there being a difficulty in obtaining officers for the navy, there were hundreds and thousands who could not get into it. But, even supposing that Her Majesty's naval officers were actuated by such sordid motives, was not prize money virtually given up in 1856, when the Declaration of Paris was agreed to? Well, they were told by many that there was no use in entering into treaties, because there would be an end of all treaties when war broke out. But what he would propose was not an ordinary treaty; it would be the same as the Declaration of Paris, it would not be abrogated by war; it was an agreement as to the mode in which war should be carried on.

He would come, in the next place, to what appeared to many the most difficult part of the question—namely, the subject of blockade. He deeply regretted that he was absent, owing to indisposition, on Friday night, and that he had not had the privilege of listening to the interesting debate which then took place. Into the subject of blockade generally he would not enter, but he felt bound to say that the sentiments of those whom he had the honour to represent were in favour of respecting it. The next branch of the question was one with regard to which a great injustice had been done to America whenever it was discussed. They had been told that America would not give up the right of privateering; but what she had contended for from first to last was what he was contending for, that the ship and the cargo should be put upon the same footing. What was the statement of President Pierce when the Declaration of Paris was submitted to him? It was as follows:—

“The proposal to surrender the right to employ privateers is professedly founded on the principle that private property of unoffending non-combatants, though enemies, should be exempt from the ravages of war. But the proposed surrender goes little way in carrying out that prin-

ciple, which equally requires that such private property should not be seized or molested by national ships of war. Should the leading Powers of Europe concur in proposing, as a rule of International Law, to exempt private property upon the ocean from seizure by public armed cruisers, as well as by privateers, the United States will readily meet them upon that broad ground.”

Therefore it was not fair to say that the United States would not give up the right of privateering. They would not give it up unless the great Powers of Europe were willing to take the still wider ground that all private property should be free. There was in another correspondence, which had just been published, a very appropriate letter from the noble Lord the Foreign Secretary to Lord Lyons, in which, in anticipation of the civil war which had since broken out in America, he proposed to invite both parties to act upon the principles which had been laid down in the 2nd and 3rd articles of the Declaration of Paris with respect to the rights of neutrals. It seemed that ultimately America agreed to adopt the very words of the Declaration of Paris, but subsequently a letter from Lord Lyons to Earl Russell stated—

“Mr. Seward called upon me the day before yesterday, and asked me to give him a list of the Powers which have acceded to the Declaration of Paris on maritime law. He said that he had observed a list of those Powers in your Lordship's despatch to me of the 18th of May, which I had left with him for a few days. I readily agreed to send him the list. He went on to tell me that he was endeavouring to disentangle a complication which had been produced by Mr. Dayton at Paris. Mr. Dayton had, he said, been instructed to state to the French Government that the Government of the United States preferred the proposal of Mr. Marcy, by which private property would be altogether exempted from capture, but that, nevertheless, they were willing, if necessary, to accede at once to the Declaration of Paris ‘pure and simple,’ and to postpone the discussion of Mr. Marcy's proposal to a more propitious moment.”

Then, on the 29th of July, 1861, Mr. Adams wrote to Earl Russell—

“Mr. Dayton informs me that some time since he made a proposal to the French Government to adopt the Declaration of the Congress at Paris in 1856, with an addition to the first clause, in substance the same with that heretofore proposed by his predecessor, Mr. Mason, under instruction given by Mr. Marcy, then the Secretary of State of the United States; to that proposal he received an answer from the French Minister of Foreign Affairs declining to consider the proposition, not for any objection entertained against it, but because it was a variation from the terms of the original agreement, requiring a prior reference of it to the other parties to that convention. This answer does not, in his opinion, make the ultimate acceptance of his addition impossible,

and he does not feel as if he ought to abandon the support of what he considers as so beneficent an amendment to the original plan, until he has reason to despair of success. He has therefore requested to know of me whether I have reason to believe perseverance in this direction to be fruitless. For my part, I entirely concur in the view entertained by Mr. Dayton of the value of this amendment; I also know so well the interest that my Government takes in its adoption as to be sure that it would refuse to justify a further procedure on our part which was not based upon a reasonable certainty that success is not attainable, at least at the present moment. I have therefore ventured to state to Mr. Dayton my belief that I have that certainty; I have therefore mentioned to him what I have likewise communicated to the proper department of the Government of the United States—the fact that in the last conference I had the honour to hold with your Lordship, allusion having been made to the amendment of Mr. Dayton, I said that that amendment was undoubtedly the first wish of my Government, and that I had instructions to press it if there was the smallest probability of success; but that I supposed this matter to have been already definitely acted upon: to which I understood your Lordship to signify your assent, and to add that I might consider the proposition as inadmissible.”

He was merely showing that the Foreign Minister refused again the proposal of the American Government that all private property on the ocean should be protected. Earl Russell, in a letter to Mr. Adams, confirmed that representation, saying—

“As far as I am concerned, this statement is perfectly correct.”

It appeared, then, that the American, French, and English Governments agreed to accept the declaration of the United States in accordance with the Paris Declaration, but that Earl Russell thought it necessary to propose to add the following words in signing the agreement with the United States:—

“Her Majesty’s Government does not intend thereby to undertake any engagement which shall have any bearing, direct or indirect, on the internal differences now prevailing in the United States.”

He was not saying whether the noble Earl was right or wrong in insisting on these words, as Earl Cowley had previously informed Earl Russell by letter that—

“Mr. Dayton hardly concealed from M. Thouvenel that the object of his Government in agreeing to sign the Convention was to force the Western Powers to treat the Southern privateers as pirates, arguing that, as the Government of Washington was the only Government recognised by the Foreign Powers, the Southern States must, as far as Foreign Powers were concerned, be subject to the consequences of the acts of that Government.”

Again, on the 23rd of August Mr. Adams, in writing to Earl Russell, said—

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“The Government of the United States are at last prepared to sign and seal an engagement, pure and simple, and by so doing to sacrifice the hope of attaining, at least for the present, an improvement of it, to which they have always attached great value. But, just at the moment when their concurrence with the views of the other Maritime Powers of the world would seem to be certain, they are met with a proposition from one, if not more of the parties, to accompany the act with a proceeding somewhat novel and anomalous in this case, being the presentation of a written declaration, not making a part of the convention itself, but intended to follow the signature, to the effect that, ‘Her Majesty does not intend thereby to undertake any engagement which shall have any bearing, direct or indirect, on the internal differences now prevailing in the United States.’ Obviously a consent to accept a particular exception susceptible of so wide a construction of a joint instrument, made by one of the parties to it in its own favour at the time of signing, would justify the idea that some advantage is, or may be suspected to be, intended to be taken by the other. The natural effect of such an accompaniment would seem to be to imply that the Government of the United States might be desirous at this time to take a part in the Declaration, not from any high purpose or durable policy, but with the view of securing some small temporary object in the unhappy struggle which is going on at home. Such an inference would spoil all the value that might be attached to the act itself. The mere toleration of it would seem to be equivalent to a confession of their own weakness. Rather than that such a record should be made, it were a thousand times better that the Declaration remain unsigned for ever. If the parties to the instrument are not to sign it upon terms of perfect reciprocity, with all their duties and obligations under it perfectly equal, and without equivocation or reservation of any kind on any side, then it is plain that the proper season for such an engagement has not yet arrived. It were much wiser to put it off until nations can understand each other better.”

He was prepared to say that it was better that the American Government did not sign the Declaration with the addition of the proposed words, because an opening was now left for the British Government to consider the matter in a somewhat different light from that in which they seemed to have regarded it in the course of the correspondence from which he had quoted, and in a future correspondence the question discussed might be that all private property should be respected at sea. He had addressed the House at greater length than he had intended, but he had been anxious to state as clearly as he could the view which he believed to be generally entertained by the commercial community. He was quite aware of the jealousy with which any Motion of the kind was viewed by the Executive Government, but he trusted the noble Viscount would excuse him if he ventured to



refer once more to the noble Viscount's speech, the concluding observations of which constituted almost a direct invitation to bring the subject before the House. The noble Viscount, on the occasion to which he had already alluded, ended his speech in the following terms:—

"Gentlemen, the Government always feels deeply indebted to the great commercial communities which are kind enough to impart to us, from time to time, their suggestions for the remedy of existing evils. We know well that no Executive Government can be so perfectly informed of all the detailed operations of commerce as to be able, without such assistance, to devise those measures which may be best calculated to set free the industry of the country, and to give the greatest development to commercial enterprise."

He (Mr. Horsfall) quite concurred in the views of the noble Viscount, and it was in reliance on his express declaration that he had ventured to trespass upon the attention of the House. He was quite aware that the views which he submitted for their consideration had been feebly and imperfectly expressed; but he respectfully and with confidence asked the House to affirm the Resolution which it was now his duty to move. He asked it in the name of the commerce of the country; he asked it in the name of civilization, humanity, and justice.

MR. COBDEN seconded the Resolution.

Motion made, and Question proposed,

"That the present state of International Maritime Law, as affecting the rights of Belligerents and Neutrals, is ill-defined and unsatisfactory, and calls for the early attention of Her Majesty's Government."

THE ATTORNEY GENERAL said, that the hon. Member had supported his Resolution in an able and temperate speech, though he had expected that he would have raised a more general discussion on the existing state of international law as affecting the rights of neutrals. The hon. Member in his Resolution had described the existing state of the law to be both ill-defined and unsatisfactory. His arguments, however, had been mainly addressed to the policy of the law, and there could be no doubt that the question of policy was one of great importance; but the hon. Gentleman appeared to overlook the fact, that whatever might be the opinions of Members of that House, or even of the Government, on the policy of the law, it was impossible for any one State effectually to interpose for an alteration of the law without the concurrence of other States. It would be obviously

worse than useless for Great Britain to act towards other nations upon any code, however approved of here, until that code had received the approval and assent of other nations affected by it. Again, he could not agree that the law was ill-defined, for he should be able to show that it was well understood, and, right or wrong, was well and intelligibly expressed. The observations of the hon. Member on that subject left him but little to say. He had stated correctly, with one exception, how the law stood previous to the Russian war. It was true that privateering was an admitted belligerent right, and that enemy's goods under a neutral flag were liable to capture and confiscation. But the statement was not accurate that neutral goods under an enemy's flag were also liable to capture and confiscation. Probably the hon. Gentlemen had been led into error by the terms of the order in Council issued by Her Majesty at the commencement of the war with Russia. That document set forth that Her Majesty was willing to waive the right of seizing enemy's property taken on board a neutral vessel, unless it was contraband of war; and went on to say that it was not Her Majesty's intention to claim the confiscation of neutral property not being contraband of war found on board enemy's ships. It was, no doubt, just and expedient to issue such a declaration, plainly apprising neutrals whose interests were concerned of the conditions on which this country intended to carry on the war; but the hon. Member was wrong in the inference he had drawn that previous to that date, by well-established international law, the goods of a friend on board the ship of an enemy were liable to capture and confiscation. The law on this matter was well-defined and well understood. So long ago as 1753 the law of nations as affecting the goods of neutrals had been declared in this country on the highest authority. Sir George Lee, Judge of the Prerogative Court, Dr. Paul, the Advocate General, Sir Dudley Ryder, the Attorney General, and Mr. Murray, afterwards Lord Mansfield, the Solicitor General, laid down the following propositions:—

"First, the goods of an enemy on board the ship of a friend may be taken. Secondly, the lawful goods of a friend on board the ship of an enemy ought to be restored. Thirdly, contraband goods going to the enemy, though the property of a friend, may be taken as prize, because the sup-

plying the enemy with means which enable him better to carry on the war is a departure from neutrality."

The hon. Gentleman had next alluded to the Declaration of Paris. That Declaration would be found to involve four propositions, two of which had reference to the ancient state of the law, and the other two bore upon the alterations which were then introduced. The first point of the Declaration, that "privateering is and remains abolished," was an undoubted waiver of the belligerent right to issue letters of marque. The second proposition, that, with the exception of contraband of war, the neutral flag covered enemy's goods, also introduced a new rule of maritime law. But the third and fourth propositions, that neutral goods, with the exception of contraband of war, were not liable to capture (meaning, no doubt, capture and confiscation) under an enemy's flag, and that blockades in order to be binding must be effective, were merely statements of the antecedent law. The hon. Member's speech, in fact, contradicted that portion of his Motion which alleged that the present state of international law was ill-defined, because he himself had clearly defined and expounded what the law was, with the single exception referred to. Whether the law were politic or impolitic, it was not involved in any doubt or obscurity. As to the policy of the law, or of the proposed modification, he need say but little, because other Members who would follow in the debate might be better able to deal with that part of the subject. The hon. Member, however, said that in consequence of the adoption of the Declaration of Paris an advantage would be given to neutral carriers over the ships of a belligerent. No doubt, such would be the case; but he did not agree with the hon. Member that the effect must be entirely to put a stop to the trade of a belligerent, seeing that where the belligerent was a strong naval Power, and especially where she was mistress of the seas, her fleet, as in former wars, would effectually protect her mercantile marine. To a Power which was weak at sea the results pointed out by the hon. Gentleman might doubtless follow. But we were and always hoped to be the stronger Power; and he did not think the country need shrink from the task of annihilating the commerce of the enemy, and at the same time of protecting her own. The concession made by the

*The Attorney General*

Declaration of Paris in favour of enemy's goods being protected by the neutral flag was, as its terms denoted, a concession desired by and made to neutrals. The policy of that change he would not discuss; indeed, it would be rather late to do so; and he understood the hon. Member to contend rather that this country ought to go further and give universal protection than to find fault with its having been a party to that arrangement. But the universal exemption from capture which the hon. Member desired, would not be a concession to neutrals at all; neutrals did not desire it; they would rather continue in possession of that actual or supposed monopoly which the hon. Member had pointed out. Such a change in the law as would enable an enemy in time of war to carry in safety between his own ports and the ports of neutrals, or the ports even of the other belligerent, his own goods in his own ships, would not only go beyond anything which had been proposed and discussed in modern times, but would very much exceed any relaxations in the rigour of the Maritime Code which, as far as he was aware, had been suggested by any of the writers of admitted authority on international law. He did not say that because a proposition was novel it was not true or not entitled to serious consideration; but the subject was certainly one calling for much deliberation, especially when it was remembered that nothing could follow from a mere expression of opinion by that House. Whatever was done must be accomplished not by a single Government or Cabinet, but by the concurrence of all those nations which were, or aspired to be, powerful at sea, and which had consequently an interest in the subject in common with ourselves. He had stated, that the doctrine advocated by the hon. Gentleman was novel, but he would so far correct himself as to say, that it appeared from a statement by Benjamin Franklin, that in a treaty entered into between the United States and Prussia, in 1785, an article was inserted in accordance with what Franklin called his "Quaker notions," it being agreed that the merchant ships of the contracting parties should not be liable to capture; but that article was not inserted in the renewed treaty in 1799 between the same Powers, and certainly from that time down to the present he was not aware of any serious proposition having been made between any two



nations thus to mitigate the rigours of the maritime law. He had thought it necessary to say but little on the question of policy in the present state of the discussion, but so far as the question of law was concerned, the hon. Gentleman had relieved him from the necessity of making any lengthened remarks. He had, in point of fact, abandoned one part of his proposition; and had shown no good reason for calling upon the Government to take any action on the other.

MR. LIDDELL said, that in rising to make a few observations, he hoped that he should not be accused of the presumption of attempting to follow the legal argument of the hon. and learned Member who had just sat down. Of course he could not pretend to cross swords with him upon legal subtleties, or in reference to what was the law, but he might be permitted to notice that he said that he had been called on not to defend the expression but the policy of the law. He apprehended that it would have been more to the taste of the hon. and learned Gentleman to have dealt with the letter of the law, than to find himself called upon to defend a policy which, as it bore at present upon certain national interests, was indefensible. The hon. and learned Member, however, went further, and complained that his hon. Friend (Mr. Horsfall) had limited his argument to that portion of this great question which had more immediate bearing on the shipping interest. He (Mr. Liddell) agreed with him in that regret; but when the hon. and learned Gentleman went on to state that the maritime law was not involved in any doubt or obscurity, he would ask him whether he thought that the law of contraband was settled at the present moment? Was it not rather involved in doubt and obscurity? And so of the law of blockade, was not that obscure and doubtful? He would probably be called to order if he alluded to recent debates in that House, but there were rumours out of doors that there were, at that moment, blockades with respect to the legality of which doubts existed. Was not also the question of what was and what was not a privateer a matter of discussion among the learned? Well, all these questions would most properly form topics of discussion in a congress, should one be called for the purpose. Doubtless there were conflicting feelings on the subject of international law. The

remembrance of what they had done in past days in support of this naval supremacy weighed much on the mind of England; but the rights of civilization and humanity would inevitably be brought into conflict with the special interests of this country. He did not wish to deal with the subject under discussion on Utopian notions, but rather on the principles of common sense and what he believed to be the true interests of the country. By the declaration of Paris (by which for the first time England admitted that principle which had been contended for for many years by various foreign nations and especially by the Americans, that free ships should make free goods) they no doubt made a great concession. They virtually permitted the enemy to carry on his trade during war, provided he did not do it in his own ships. That concession necessarily told most against the country with the greatest mercantile marine. In the event of our going to war our commerce must be carried on, not in our own ships but in the vessels of neutrals; and our marine would be depreciated in value to an extent which could not be estimated, and it would probably be reduced during war to a state of total inactivity. At the very moment when we had with difficulty constructed a naval reserve to supply the navy, the prospect of receiving higher wages abroad held out to every man in that reserve a direct premium to leave our service and enlist under a foreign flag. Such was the necessary result of the position in which we now stood. The noble Earl the Foreign Secretary, who had of late conducted affairs with so much ability and with satisfaction to the country at large, had thus spoken of the declaration of Paris, no longer ago than July, 1857. A debate having arisen on a Motion by the hon. Member for Sunderland, the noble Earl (Earl Russell) said—

“I am afraid that we must be bound by the declaration. I am afraid that the consequences are so serious as to show that such a declaration was very imprudent, and I cannot but agree with the hon. Gentleman (Mr. Lindsay), that England ought to preserve her maritime superiority \* \* \* \* The whole matter is most unsatisfactory and most grave in its bearing upon our maritime supremacy \* \* \* \* The state of this question is to me very alarming; but I do not see that a breach of faith would at all mend our position. [3 *Hansard* 146, pp. 1490-1491.]

In that view he perfectly agreed with the noble Lord, but it was a position we had

taken in the face of Europe, not with the consent of one, two, or three Powers, but of almost all the Powers of Europe, who, if we attempted to recede from that position, would inevitably form themselves into a combination to defend the principle, and we should see ourselves ranged single-handed against a long list of nations. We should see a new "armed neutrality" more powerful than its predecessors. If we were at war with a European Power, America would remain neutral. She always refused to mix herself up in European politics, and in the event of our being at war she would monopolize the carrying trade of this country, as she did during the last war with France. Then came the question, as we could not recede from our present position, what were we to do? He replied, that having abandoned our former position for which we had always fought so stoutly, we ought to go on and seek to derive the full benefit which might be presumed to spring from the concession we had made. It was a concession made by a stronger Power to a weaker. As a great authority on the matter had remarked, the stronger Power could always protect its own commerce; it was only the weaker that required the treaty protection. We should then proceed to the adoption of a course of amelioration, of mitigation of the asperities of war, which pressed not on the governing classes who were responsible for the war, but on their unoffending subjects, the shipowners and merchants engaged in commerce. It was for the interests of England that we should carry on our commerce during war in our own ships; and he thought we should take steps to relieve the shipowner from the ruin which overhung him at the present moment. The importance of the subject, however, was not confined to the shipping interest. England was the workshop of the world. She was dependent upon the raw produce of foreign countries, for she did not grow the staples of her manufactures herself. England had agreed to allow trade to be carried on by neutrals in time of war. He wanted to go further, and say, "We will carry it on in our own ships." Why, he would ask, should they take care solely of the interests of the neutral? Why not, on the contrary, leave the neutrals to take care of themselves? We had to maintain a most severe and sometimes unequal contest with foreign nations for our ma-

*Mr. Liddell*

nufacturing superiority, and anything which tended to their advantage might most materially turn the scale against us. Who had given the greatest impulse to the manufactures of New England? It was England, by her mistaken policy in going to war with America, and her absurd replies to the Berlin decrees of Bonaparte. It was England, by her retaliatory Orders in Council. That course deprived her of £11,000,000 to £12,000,000 of exports a year, which were conveyed by Americans not only to their own but to foreign markets. By way of retaliation to the Berlin decrees, England issued Orders in Council, not only inconsistent with the laws of nations, but which arrayed against her every friendly Power. Coming down a little later, what did they do in the Russian war? They went to war with Russia in 1854. The first thing they did was to blockade the Baltic with a gigantic and expensive fleet, under pretence of distressing the enemy by cutting off the supplies which she furnished of raw material. They took a number of her ships, belonging chiefly to the poor inhabitants of the Baltic seaboard, and laden with articles of necessity to them, burnt an immense quantity of property which belonged chiefly, he believed, to English owners, and sold the ships for a miserable sum of money. These were deeds that no English sailor was proud of. But did they stop Russian commerce? Why, the whole of the linseed and the flax, and the tallow, and the hemp, the raw materials from Russia which England most needed, were conveyed through neutral ports and arrived in this country at enhanced prices, which the consumer had to pay in consequence of the circuitous route which they had been obliged to travel. The doctrine which lay at the root of their present maritime law was, that a strong belligerent should, by means of its supremacy at sea, harass and weaken the enemy; but by admitting foreigners to the colonial and coasting trades, they had rendered it impossible for them in future to act upon that principle without, in time of war, handing over the whole of their commerce to the ships of other countries. For all these reasons they must go forward and recognise the principle for which his hon. Friend had contended—the granting of immunity to private property at sea. It was not only America that had declared in favour of



that principle; Russia, France, and the Chambers of Commerce of Hamburgh and Bremen, which might be supposed to represent the feeling of Germany, had all expressed their willingness to accept it; and it must be presumed that Holland, from which State first emanated the demand that free ships should make free goods, would not refuse to accede to it. He did not wish to precipitate the House into a hasty decision on international maritime law, but he would suggest that a Congress should be called for the purpose of discussing the questions which had been adverted to, and of ascertaining the views and feelings of the various Powers. Of course, each country ought to enter such a Congress with a desire to promote, not any special interest of its own, but the general welfare of mankind and the progress of commerce. England might initiate the proposal of a Congress with an evident sincerity and good faith which no one could doubt, and with every prospect of success. By the Declaration of Paris, privateering had been condemned as piracy, paper blockades abandoned, and the sanctity of the neutral flag recognised. They had relinquished the substance; and let them therefore seek no longer to retain the shadow, and thus reject the opportunity of protecting from wrong and robbery the property of the peaceful trader.

MR. BAILLIE COCHRANE said, he gathered from the discussion that there was a general opinion that the Declaration of Paris in 1856 was a great blunder. ["No," and "Hear, hear!"] That was certainly the impression conveyed by the speeches of his hon. Friend and of the hon. and learned Gentleman opposite. But it was a singular argument that because we committed a mistake in 1856 we were bound to go on in the same course of error, and to take another step towards abandoning the supremacy of England upon the seas. His principal object in rising, however, was to remove an erroneous impression from the mind of his hon. Friend who had just sat down with regard to the opinion of the noble Earl the Secretary for Foreign Affairs upon the subject. Now, he (Mr. B. Cochrane) wished to refer to a speech of the noble Earl's which bore exactly on the point under discussion. It was delivered on March 9, 1857. In that speech he said—

"Since that time the Secretary of State of the United States has proposed to go a step further

than this treaty—that Great Britain should agree that all merchant vessels should be free from capture during time of war. It appears to me, I own, that although this proposal carries with it an air of philanthropy, it is one which would not tend to prevent war, and which, if it did not tend to prevent war would greatly cripple the energies of this country in time of war. It is obvious, in the first place, that one reason why foreign nations are unwilling to go to war with this country is, that they feel that their commerce is sure to be seized, and that all the valuable property which they may have at sea is sure to fall into the hands of our cruisers as soon as war is declared. If, on the contrary, they were sure that all their merchant vessels would be allowed to pass in safety, one great reason for remaining at peace would be taken away. . . . My impression is, that if we were to agree to that proposal, our being a great naval Power would be of no use to us in time of war."—[3 *Hansard*, 144, p. 2084.]

The noble Earl was followed by the late Sir Charles Napier, who expressed the hope that this country would not abandon its maritime rights by allowing other nations to carry on their commerce without restriction during a period of war. It was universally agreed that the Declaration of Paris was unfortunate; and how it could have happened that the Earl of Clarendon should have been allowed to perpetrate such a tremendous blunder, striking as it did at the naval supremacy of this country, without Parliament having the opportunity of giving an opinion, seemed to him perfectly incomprehensible. The hon. Gentleman who had made the Motion talked of war as though it was to be carried on in kid gloves. Why, all their recent inventions were opposed to such an idea. They built *Warriors* and *Black Princes*, and constructed Armstrong guns and scientific rifles, and they had armed the whole country; and the policy of the country was opposed to the view of the hon. Gentleman. The third article of the Declaration of Paris provided that neutral goods, except contraband of war, should not be liable to capture under an enemy's flag. Now, what would be the effect of that on their naval officers? He did not mean with regard to prize money; but there was another view which had not been considered. It was not an uncommon thing during war for British officers, after capturing a vessel to burn her to avoid weakening their own crews. That was an energetic mode of carrying on war. But under the new Declaration of Paris, if the ship happened to contain £100,000 worth of neutral goods, the officers would not venture to destroy the

ship, as they might be liable to action for the value of those goods. It was to their naval supremacy that they owed the development of their commerce, and the adoption of the Motion of the hon. Member for Liverpool would go far to deprive them of that advantage. After all, however, he believed that in the event of war they would not allow themselves to be trammelled by such declarations. What took place in the last great war? In 1804, before the Declaration of war with Spain, Lord Nelson issued the following orders to the captains of his fleet:—

“Whereas I judge it proper under the present uncertain state of affairs between Great Britain and the Court of Spain, that all Spanish ships and vessels of war, as well as the trade of His Catholic Majesty shall be detained until further orders; you are hereby required and directed to detain all Spanish ships and vessels of war, or merchantmen (vessels laden with corn excepted), belonging to the subjects of His Catholic Majesty, which you may fall in with, and send them either to Gibraltar or Malta, as circumstances shall render necessary.”

He was persuaded that, under like circumstances, the same course would be adopted now. The Declaration of Paris was much to be regretted, but he should regard the adoption of the Motion of the hon. Member for Liverpool as a still more unfortunate event.

SIR. GEORGE BOWYER said, he thought the question lay in a very narrow compass. This country being a great naval power, it was perhaps desirable that the rights of belligerents should be as widely extended as possible; therefore it was very questionable whether it was altogether prudent for England to concur in the Declaration of Paris, but that Declaration was an accomplished fact, and it would be little better than a waste of time to discuss it further. The real question before the House might be shortly stated. When a man marched at the head of an army into a country and conquered it, he did not interfere with private property. The rule of international law put him in possession of the government of the conquered country, but it did not entitle him to interfere with the rights of private property. It was difficult to understand why the same rule should not prevail with respect to naval warfare. The Roman Emperor said in the *Pandects*, “*Ego terræ dominus, lex maris*,” which meant that the sea, as the common highway of nations, was not the property of any par-

ticular country. According to the analogy of terrestrial war, the conqueror of the sea, if he might be allowed the expression, could acquire only the sovereignty of the law, for the law was the lord of the sea. How could that sovereignty enable him to violate the rights of private property? It was quite clear that a belligerent had no more right to seize a merchant ship on the sea than to take away the property of the people of the country which he invaded and conquered in war. England, as a great naval Power, might have been expected to maintain the rights of belligerents to the utmost; but under the Declaration of Paris trade might be carried on by neutrals to any extent, and therefore he thought we could not do better than accept the principle that private property should be respected on sea as well as on land.

SIR GEORGE LEWIS: Sir, the question which has been raised to-night is of first-rate importance. It would be of great importance to a country which has not a powerful national navy and a vast mercantile marine, but to England, situated as she is, it is of paramount importance that this question should receive a right decision when discussed in Parliament. I trust that, whatever may be the result of this debate—whatever may be the fate of the Motion submitted by the hon. Member for Liverpool—we shall not come to any precipitate conclusion, or one of which we may hereafter have occasion to repent. The hon. Gentleman has proposed, “That the present state of International Maritime Law, as affecting the rights of belligerents and neutrals, is ill-defined and unsatisfactory, and calls for the early attention of Her Majesty’s Government.” The terms of his Motion are as general as it is possible to frame them. They bring under review the whole state of international maritime law, as affecting the rights of belligerents and neutrals. Hence they involve the question of privateering; they involve the question of the neutral flag covering the enemy’s goods. [An hon. MEMBER: That was settled by the Declaration of Paris.] I am aware that the question was settled as far as this country is concerned, but it has been argued in the course of the debate that it ought to be unsettled. I am merely speaking of the general terms of the hon. Member’s Motion. But the hon. Member, instead of making his speech co-extensive with



the terms of his Motion, directed his arguments to one single point—namely, that the enemy's flag should cover the enemy's goods. That is the whole extent of the speech which he made, and of the recommendation which he offered to the House.

MR. HORSFALL: What I contended for was that all private property should be respected.

SIR GEORGE LEWIS: Precisely—that the private property of the enemy's ships. By the Declaration of Paris neutral goods are sacred under the enemy's flag. [Mr. BRIGHT: And the ship also.] Very good; the argument is that the ship should be sacred as well as the goods under the enemy's flag. Such is the proposition of the hon. Member for Liverpool, and, that being so, it seems to me that the more correct course, as far as this House is concerned, would have been for the hon. Gentleman to move an Address to the Crown, requesting Her Majesty to use her influence with foreign Powers for the purpose of making the principle that the enemy's flag should cover the enemy's ship and goods a maxim of international maritime law. That would have brought the question which the hon. Member has argued fairly under the consideration of the House; but at present any hon. Gentleman who thinks, for instance, that privateering ought to be continued, or that the clauses of the Declaration of Paris ought to be repealed—who, in short, entertains views entirely opposed to those which have been advanced to night—might with perfect propriety say to the hon. Member for Liverpool, "I do not agree with your speech, but I approve your Resolution, and therefore shall vote for it." It seems, therefore, to me, that if the hon. Gentleman succeeded in carrying his Resolution, he would not necessarily give effect to his opinions. The Government would say, "We are not bound by the speeches of individual Members; we must look to the general terms of a Resolution, and act accordingly." Therefore, I say, if he wished to establish this principle, that the ship and goods of an enemy are to be respected in war by the belligerent, he ought to have embodied that proposition in a distinct Resolution and submitted it to the House; he would then have raised a distinct issue on which we might have acted. But I must say that the proposition which he has submitted to us

is—not unfair, but most inconvenient. I have no doubt he thought it was a convenient mode of raising the question, and perhaps, when he came to embody his principle in terms, he was afraid to look it in the face, and therefore preferred to take refuge in generalities; but I must repeat, I can hardly conceive a more inconvenient course than that which he has adopted in bringing a very important principle under the consideration of the House.

Sir, there have been many occasions on which the rights of neutrals and belligerents with regard to maritime war have been agitated in Europe. In the first place there was the celebrated armed neutrality of 1780; but the principles laid down in that year by Russia and concurred in by other Powers were entirely confined to the neutral flag covering enemy's goods, and also mainly, I think, to the question of blockades; but I feel confident, that if any Gentleman will examine the negotiations, the conventions, and treaties of that period, he will not find a single trace of the principle that a belligerent is not to be permitted to capture the ships or goods of his enemy. Then there is the armed neutrality of 1800, when the same question was again revived, and again there is a total absence of such an assertion; and the reason is perfectly obvious—the armed neutrality of both those years was a representation of the interests of neutrals. Neutrals have no interest in the principle which the hon. Member recommends to the acceptance of the House. One hon. Gentleman, indeed, who spoke, treated this question as one involving the interests of neutrals; but it is impossible to conceive a greater mistake. Neutrals, so far as they have any interest, have an interest directly the opposite. If they wished to become the carriers of the world, they would naturally wish that the mercantile marine and goods of the belligerents should be exposed to risk. Therefore, I say, neutrals as such, have no interest in the question.

Then there is another reason why, on the occasions to which I have referred, the armed neutrality did not start this question. Those who advised that state of affairs were persons acquainted with the principles and elements of international law; but I must be permitted, with great respect to the hon. Gentleman, to say that his speech seemed to overlook the most

fundamental doctrines of international law, because you may make a compact with a neutral state that in time of war you will respect the neutral flag. For instance, we have now a compact with France and other continental Powers that we will act on the principle that the neutral flag covers the enemy's goods, so that if we were to seize American goods under the French flag, we should be guilty of a violation of our engagements with France. Therefore by international law you can make a valid engagement with respect to the principle that the neutral flag covers enemy's goods; but when you go to war with a nation, war puts an end to all treaties and engagements in the nature of a treaty. Therefore if we had unfortunately, a short time ago, found ourselves involved in hostilities with the United States, and if we had previously had a treaty with the United States recognising the principle that belligerents were to spare one another's mercantile marine, the very act of war would have put an end to that treaty, and it would have been in the discretion of either Power whether or not they would act on that principle. Suppose you make such an engagement, how are you to rely on the honour of a belligerent observing it, because by uninterrupted practice or by the concert of all civilized nations you may alter all the principles of international law? It is conceivable for example, that by the general agreement of nations the principle for which the hon. Gentleman contends might be established, but it is inconceivable that a treaty between two belligerents which is in derogation of the general principles of international law should bind them during the continuance of war. An hon. Gentleman referred to the Declaration of Paris; he said it was not a treaty but a declaration, and therefore it must be binding in the event of war. Now, I entirely dispute that inference or statement. I presume he means to say that it is binding in respect of neutrals in time of war. No doubt we are bound in respect of France or Russia if we are at war with the United States; but it is an absurdity to suppose, that if we were at war with France or Russia, it would have any binding effect upon us, except in regard to our honour. All I say is, it is not binding by international law. We are not bound to assert extreme belligerent rights, but without any such treaty we might say we will not capture

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the mercantile marine of an enemy. The hon. Gentleman the Member for Honiton (Mr. B. Cochrane) spoke with great censure of the Declaration of Paris, and said we were in such a position, that we must either advance or recede—that our present position was untenable. We had made a declaration restrictive of our power of carrying on a maritime war, and we should find it necessary to violate that engagement. He forgot that before the Crimean war by proclamation we modified our belligerent rights. The hon. Member for Liverpool read from the Proclamation the passages which were equivalent to the Declaration of Paris—therefore when the war was ended and the question of neutral rights was raised in Paris, it seemed the proper and natural course for our Plenipotentiary to agree to this principle, which had been consecrated by the Executive Government at the commencement of the war, of which Parliament had full notice, and to which Parliament had at no time objected. If it had been thought that the principle that the neutral flag shall not cover the goods was essential to the effective conduct of maritime war by this country, why was it abandoned at the commencement of the Crimean War, and no voice raised against it during the continuance of that war? The hon. Gentleman overlooked that important element.

The hon. Member for Northumberland (Mr. Liddell) did not altogether seem to approve of the *modus operandi* of the hon. Gentleman who made this Motion; he seemed to be aware that there was some difficulty in establishing a binding engagement between two belligerents; but with respect to the case of America the hon. Member said that the Government of the United States is willing to assent to this principle combined with certain others. But if the United States of America approve so highly of the principle of not capturing enemy's ships and goods, why do not they establish that principle with respect to the Southern States? Here is a fine opportunity for the Government of Washington, to act on that principle. There is a war actually waging in which they are involved, why not act on that principle at once? No doubt it is said that the Southerners are rebels, but in the exchange of prisoners and in the matter of the blockade they have, after much unwillingness on the part of the United States Government,



been treated in all respects as belligerents. If that be the case, why does not the Government of Washington show its forbearance in not capturing enemy's goods? I strongly suspect that the exasperation which exists between those two contending Powers renders any such forbearance utterly impracticable. The hon. Member for Northumberland, however, seems not altogether to trust to this plan of mutual forbearance by belligerents during war, and he proposes that England should call a Congress. [Mr. LIDDELL: Invite a Congress.] Well, that we should invite the nations of Europe to meet in Congress, and that we should submit to this Congress the question raised in to-night's debate. But, then, he annexed a condition which, I am afraid, if strictly fulfilled, would render the convening of the Congress a somewhat remote event, because he said that it was a necessary condition that the parties composing the Congress should not be actuated by any special or national interests, but have solely in view the general good of mankind. My little acquaintance with the history of Congresses does not lead me to anticipate that it is extremely easy to form a Congress upon that condition, and I am afraid if we wait until a Congress be formed in which the members are wholly regardless of the interest of their own respective nations, and are devoted to promoting the universal happiness of the world, the meeting must be postponed until the Greek Kalendar. The hon. Member's proposal, no doubt, is a philanthropic and well-meant proposal, but it only shows the difficulties with which the subject is encumbered, and the necessity of further consideration before the House can, with any propriety, agree to the adoption, I will not say of the hon. Member's Resolution, but of a Resolution embodying the result of his arguments. As to the Resolution, I really do not know that I feel any difficulty in saying that any branch of international law is ill-defined, because every branch must be ill-defined, as it is not law laid down by any Legislature, and is only to be collected from the decisions of the courts of different countries, and the writings of different text writers. In a certain sense international law may always be said to be ill-defined. At the same time I really believe, that if any part of international law is better defined than another, it is the question relating to procedure in seizing different classes of goods belonging to

different nations, and particularly since the Declaration of Paris.

There is another part of the question, upon which the hon. and learned Baronet the Member for Dundalk (Sir George Bowyer) much insisted, and which I know has been often brought forward in discussion. It is mentioned in an able pamphlet, which I have no doubt many hon. Members have read, and unless it receives examination, is calculated to make an impression on the mind—I allude to the statement that we ought to assimilate the laws of maritime to the laws of land warfare. If the House will permit me, I will examine for a few moments what weight is due to that argument. It is said, in the first place, that all private property is spared in land warfare. I must begin by meeting that assertion by a most formal denial. I say that by the laws of land warfare, as recognised by the most civilized nations, and according to the most recent practice, private property is not respected. It is respected only so far as it suits the present convenience of the belligerent armies. I believe there never was an army under more strict discipline, in which the commander was less disposed to permit excesses by the soldiery, or in which there was a greater disposition to spare the country which was the theatre of the war, than the Duke of Wellington's army during the Peninsular War. What was the practice of that army? When they arrived at a village at night, the proper officer told off a certain number of houses, the roofs were stripped off, and the timber was used as firewood for boiling the men's suppers. That certainly was not very remarkable respect for private property. Such are the necessities of war. The army must have food, and the food must be cooked. They cannot carry fuel with them; and if they cannot carry fuel, they must take it. With regard to the armies of the French Empire, anybody who has only a superficial acquaintance with the subject must know the extent to which the system of plundering conquered countries was carried. I do not believe that there is on record a single campaign in which private property has been respected. No doubt, it is respected to a greater extent in recent times than in the warfare of the middle ages. Since the Thirty Years' War and the wars of Louis XIV. there is no question we have advanced considerably by the forbearance of belligerent Powers, and more humane and more civilized maxims have prevailed.

But it is not by treaties or compacts between belligerent Powers, or by such Resolutions as this, that this result has been produced. It has been produced by the general softening of manners and the general improvement of humanity. We may hope that similar results will be produced in maritime warfare, but they will not be produced in the manner in which the hon. Member points out. In the first place, therefore, I deny the truth of the principle, that private property is respected in land warfare.

There is another important distinction between land and maritime warfare, upon which the whole question may be considered to turn. When you conquer a country, you conquer its Government; and when you have conquered its Government, you have conquered that engine by which the country can be plundered. Perhaps the language which I have used may be somewhat plain and homely; nevertheless it does express the exact truth. And if any hon. Gentleman will inquire what happened in Berlin during the French occupation, after the battle of Jena, and the French conquest by Napoleon, he will learn that the French possessed in the Prussian Government a most efficient engine for plundering that country. I remember hearing at Berlin in 1832, from persons well informed upon the subject, that there were still provinces of the Prussian monarchy in which the breed of agricultural horses had not yet been restored, in consequence of the requisition for horses which was made for the sake of the French expedition to Russia. I use that as an illustration of the way in which the Government raise contributions in a conquered country. With regard to the sea there is no similar engine. There is no Government which exercises any power at sea. The sea is merely the highway of nations. It is not the subject of Government or of sovereignty, and the only way in which a belligerent can exercise any control over the property of enemies floating on the sea is by capture by means of armed ships. With regard to the question of assimilating land warfare and sea warfare, the real assimilation was effected by the Declaration of Paris when this country surrendered the right of private warfare—when this country abolished privateering. There is the real analogy between land and sea warfare of which the hon. Gentleman is in search. We do not permit a single private individual to

go out on a plundering expedition on land. We confine the contest to the armies of the hostile State. At the same time, we do not restrain that army seizing private property whenever such seizures may be necessary. We do not allow a private person to plunder on his own account. We used to allow him to plunder on his own account at sea by granting letters of marque. That principle we have abandoned; and if, unfortunately, a war had happened with the United States, I do not think it likely we should have had recourse to the system of privateering against the United States, although they were no parties to the Declaration of Paris. I think this country has definitively renounced the principle of privateering. To that extent I am quite ready to agree to assimilate land warfare and maritime warfare; but I do not assent to the hon. Gentleman's proposition, that the armed ships of a country are not to be allowed to take merchant ships. With our fleet at Portsmouth or Plymouth, to allow enemy's ships to go in and out free from capture seems to me to be carrying the doctrine of forbearance in time of war to an absurd point. It is almost like interdicting ourselves from the use of gunpowder or heavy ordnance in time of war. Of course, we may, if we think fit, renounce the right to capture merchantmen not by privateers, but by our armed ships, if at any time the opinion of the civilized world, condemned the practice. But I think the House would come to an unwise and premature decision if—upon a vague generality, a mere formula which really might admit of any construction, but which is to receive a peculiar interpretation from the speech of the hon. Member who moves the Resolution, while it may receive various interpretations from the different persons who support it—they are to call upon the Government to subscribe to a principle liable to such formidable and weighty objections.

SIR GEORGE BOWYER said, he wished to explain, that when he said that in warfare on land private property was respected, he did not mean to say that there might not be excesses committed against private property in such warfare, or that in cases of necessity violations, more or less, of the rights of private property might not take place. What he intended to say was, that in warfare on land private property was not system-

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atically seized, condemned, and sold, as it was in warfare at sea.

MR. T. BARING: Sir, I have listened with some surprise to the speech of the right hon. Gentleman the Secretary for War. The right hon. Gentleman, speaking of the Convention of Paris, not only referred to the possibility of that Convention being broken through in time of war and necessity, but went further, and said that no compact and no treaty made in peace is binding in war. Now, as I understand it, the Paris Convention was made in time of peace in order to provide against some of the worst evils and horrors of war.

SIR GEORGE LEWIS:—This is so important a point that I should be sorry if any misunderstanding arose. What I meant to say, and what I believe I did say, was this—that I conceived the Declaration of Paris to be binding as between this country and neutrals during the existence of war, and to be equally binding with a treaty, though it was only a declaration; but that if we were at war with any of the parties to that Declaration, then, like other treaties, it would cease to have a binding effect as regards that belligerent.

MR. T. BARING:—That Convention was made between six or seven States, including the great maritime Powers of Europe. I believe the only great maritime Power of the world not included is the United States. Therefore it would operate in time of war as binding with respect to all except the two belligerents. But does the right hon. Gentleman mean to say that we are now to discuss whether that was a wise provision or not? The hon. and learned Attorney General would not enter into the discussion of the merits of the Paris Convention; he treated it as an accomplished fact, which must be adhered to. Neither do I intend to discuss its merits. For the progress of commercial prosperity, I believe some treaty was necessary at that time. Whether it ought to have been carried to the extent it was, was a matter for reflection at the time; but it being now the law as far as regards the Governments that were parties to it, the question for us is, how will it act upon our mercantile navy and our commerce? As I understand the matter, by that Convention you hold neutrals' goods harmless wherever they may be found, and you also make the neutral flag cover enemy's goods. What, then, would happen in

case of a war between this country and France? Is it not evident that the whole of your carrying trade would pass into the hands of neutrals? You repealed your Navigation Laws. I do not now blame you for that. I am always for cautious and gradual progress; but when once a step is made, I am not for going back. But in time of war the neutral flag would, I repeat, carry all your commerce, and your ships would be placed at a great disadvantage as compared with every other maritime Power in the world. I cannot, therefore, help thinking that it is a wise thing to consider this subject in time of peace. I agree with the right hon. Gentleman that there is great inconvenience in discussing a question of national policy upon a Resolution like this, and I hardly know what reasons induced my hon. Friend to couch his Motion in these terms; but I take it that his object was to elicit the opinion of the Government and this House. He seeks, I apprehend, not to bind the Government to any particular course, but that those of us who agree with him, as I do, should express to Her Majesty's Ministers what I believe to be the feelings of the commerce of this country—that we should, if necessary, strengthen the hands of the Government in negotiating with other Powers. It is a question, no doubt, for negotiation with other Powers, and must be left in the hands of the Government. Whether the Motion ought to be in the form of an address to the Crown or of a Resolution is really a matter of very minor importance, and certainly would not call for the decided opposition which has been offered to this proposition by the right hon. Gentleman. The right hon. Gentleman will not listen to it at all. He says, "You might as well agitate whether there shall be privateering or not, or whether you will upset the whole Declaration of Paris, as even entertain this question." And he quarrels with my hon. Friend the Member for Liverpool for not agitating questions which we all thought settled. Again, he says, "You make a general Motion and confine your speech to a particular point." Why, it is that particular point which we are desirous to press on the attention of the Government. I am as anxious as any one for the supremacy of the navy of this country, but I cannot understand how you can advance that supremacy by damaging your commerce and your shipping interest. Do you mean to say that your

navy would be less effective if it were not bound to protect your mercantile marine, or that you would have less naval force to employ against your enemy if it were freed from the duty of conveying? Why, what country has most commerce afloat, most property to be seized? Surely England. What country would gain most by the preservation of that property? It is England. You say that your object in war is to injure your enemy. What country would be so much injured in war through her commerce as England? It might have been a question, before the Declaration of Paris was signed, what course we ought to have taken. But there is not the slightest doubt in my mind that if you wish to benefit your commerce and at the same time to increase your efficiency as a belligerent at sea, you ought gravely to consider the Motion before us. The right hon. Gentleman says, that the Duke of Wellington burnt houses in Spain when compelled to do so by the necessities of the army. Well, but you do not want to take a merchant ship for fuel, and therefore the right hon. Gentleman's argument entirely fails. The right hon. Gentleman adverted to the suggestion of a Congress, and said, that if you are to expect a meeting of diplomatists to consider the welfare of commerce, you must wait till the Greek Kalends. For my part, I do not see why a Congress should not meet and calmly discuss this question in the interests both of commerce and of Europe. I do not know what course my hon. Friend will follow, but I have heard with regret the announcement that the Government will not entertain this question, and that one reason why they will not do it is because the United States did not adopt this principle towards the Southern States. Why, that is the case of a struggle between two great sections of one country, and not an international dispute. It therefore constitutes no ground for opposing the views of my hon. Friend. I firmly believe that, sooner or later, this principle will prevail. It may be resisted by the present Administration, and yet I had certainly thought from the speech which my hon. Friend quoted that it would not have encountered opposition from the noble Viscount's Government. I thought from that language that the noble Viscount had seen that it was necessary to moderate the horrors of war, and that the Government was disposed as much as possible to pro-

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tect the private property of their own countrymen as well as of others. But, whatever course the Government may take as to the Resolution of my hon. Friend, whether they object to it as too general or not put in proper form, I am confident that the time will come when the House will not turn a deaf ear to the prayer which is addressed to it by the great majority of the commercial interests of the country.

MR. COBDEN said, he would move the adjournment of the debate.

VISCOUNT PALMERSTON: I have no objection to the Motion of my hon. Friend, for I think this is a question of the greatest possible importance to the interests of the country, and one, therefore, which requires to be fully discussed. My own opinion is—and I hope that it will be the opinion of the House—that the principle which the hon. Member for Liverpool recommends, if carried into practice, would level a fatal blow at the naval power of this country, and would be an act of political suicide. I therefore entirely concur in the Motion for adjournment. We shall be perfectly ready to assist the hon. Member in fixing a day for resuming the debate.

MR. BRIGHT: I hope the noble Lord will give us a whole night, for it is a great disadvantage to have an important question like this brought on after some other subject has been discussed. The noble Lord has expressed a very confident opinion on the question, very much at variance with that quoted by the hon. Gentleman opposite. I hope, when he rises to address the House on the main question, that he will revert to his old opinion.

VISCOUNT PALMERSTON: I am willing to let the debate come on the first thing on Monday night next.

Debate adjourned till *Monday* next.

#### ECCLESIASTICAL COMMISSION.

##### COMMITTEE MOVED FOR.

MR. H. SEYMOUR said, he rose to move for a Committee to inquire into the present state of the Ecclesiastical Commission, and to report to the House whether the Ecclesiastical Revenues could not be more advantageously administered for the interests of the Church than they were at present. As he understood that the Motion was not to be opposed, he should not feel it necessary to detain the House at



any length. The hon. Gentleman, after tracing the history of the Ecclesiastical Commission from its first foundation through the various changes which had been made in it, and referring to the various Committees which had sat on the subject, said his object was to take up the inquiry where it had been left by the last Committee in 1856. He wished the Committee to inquire how the revenues had been administered since that time; and how far any of the suggested improvements were worthy of consideration.

MR. KINNAIRD seconded the Motion.

SIR GEORGE GREY said, that on the part of the Government he was willing to assent to the appointment of the Committee, as they thought that there was sufficient grounds for an inquiry. At the same time it must be admitted that immense benefit had been derived from the exercise of the powers vested in the Ecclesiastical Commission.

MR. DEEDES said, that he should not oppose the Motion on behalf of the Ecclesiastical Commission in the face of the adherence of the Government. At the same time he did not think that sufficient grounds had been laid for the proposed Committee. The labours of the Ecclesiastical Commission had been incessant, and directed to the fulfilment of the behests of Parliament. As a Member of the Commission, he did not shrink from inquiry, but repeated interference tended to impede their action, and that action ought not to be interfered with unless some real reason was shown.

MR. KINNAIRD said, that although the hon. Member might be satisfied with the working of the Commission, a large body of hon. Members of that House held a contrary opinion. He therefore thought the Committee a most expedient measure.

MR. E. P. BOUVERIE said, he doubted that any good would result from the Committee, which, he thought, would be premature. They had not as yet had time to test the results of the previous inquiry. He believed that the only use of the Committee would be to dispel the delusions that existed respecting the Commission.

*Motion agreed to.*

*Select Committee appointed,*

"To inquire into the present state of the Ecclesiastical Commission, and to report to the House whether the Ecclesiastical revenues cannot be more advantageously administered for the interests of the Church than they are at present."

## SAVINGS BANKS BILL.

### LEAVE. FIRST READING.

MR. SOTHERON ESTCOURT said, he rose to ask for leave to introduce a Bill to amend the laws relating to the security and management of savings banks. He proposed to introduce no new regulations, but simply to enforce upon all local banks regulations which already obtained in almost all well-managed institutions. The Bill would not touch the control of the Government or the disposition of the money, but would first repeal the clause in the Act of 1844 which took away all liability from trustees, and would make them, as before, responsible for the consequences of their own acts. It would also force an auditor upon every bank, and define his duties. And lastly, it would provide for the security of the depositor by enacting that no transactions should take place except at the office during office hours, and in the presence and with the signature of more than one person. In order that the Bill might receive full consideration throughout the country, he proposed to appoint a distant day, about the middle of May, for the second reading.

THE CHANCELLOR OF THE EXCHEQUER said, several efforts had been made by Gentlemen who had held his office to improve the old savings banks, but without success, and it would be invidious in him to discourage the right hon. Member who had just spoken. The question as to the liability of trustees for their acts was a very difficult one. On that point the measure of 1844 was most unfortunate, and it would be well if the law could be amended without inflicting unnecessary hardships on individuals. As the Bill had been introduced a sufficient time before the second reading for the parties interested to state their views, he thought it was entitled to consideration. He must, however, reserve the right of Government to take any course they pleased on the second reading.

*Leave given.*

"Bill to amend the Laws relating to the Security and Management of Savings Banks, ordered to be brought in by Mr. SOTHERON ESTCOURT, Sir HENRY WILLOUGHBY, and Mr. AYRTON."

Bill *presented*, and read 1<sup>o</sup>; to be read 2<sup>o</sup> on *Wednesday*, 14th May, and to be *printed* [Bill 35].

## COURTS OF JUSTICE BUILDING BILL.

LEAVE. FIRST READING.

MR. COWPER, in asking for leave to introduce a Bill to enable the Commissioners of Her Majesty's Works to acquire a site for the erection and concentration of courts of justice and of offices belonging to the same, said, at that hour (quarter to one) he should confine himself to stating that substantially the Bill was the same as that which had passed through the House last Session, and was stopped in the House of Lords for want of time.

MR. LYGON said, he hoped better opportunities would be afforded for discussing the Bill than had been given last year, when the subject never came before the House until after twelve o'clock.

Leave given.

"Bill to enable the Commissioners of Her Majesty's Works to acquire a Site for the Erection of Courts of Justices, and of the various offices belonging to the same, *ordered* to be brought in by Mr. COWPER and Mr. PEEL."

Bill *presented*, and read 1<sup>o</sup>; and referred to the Examiners of Petitions for Private Bills, and to be *printed* [Bill 36].

## SUPPLY.—REPORT.

Resolutions *reported*.

Resolution 1. £24,360, Rewards for Military Service.

SIR GEORGE LEWIS said, he wished to correct a verbal error in the Vote. Colonel Edward Wetherall was there described as having been appointed "Director General of the Land Transport in the Crimea, which he re-organized," whereas it should be that he "officiated as Director General of the Land Transport Corps in the Crimea for four months, and assisted in its re-organization."

Resolutions *agreed to*.

House adjourned at  
One o'clock.

## HOUSE OF COMMONS,

Wednesday, March 12, 1862.

MINUTES.]—PUBLIC BILLS;—1<sup>o</sup> Whipping (No. 2); Small Houses Exemption (Scotland); Clergy Relief.

2<sup>o</sup> Marriages (Ireland); Consolidated Fund (£18,000,000).

## MARRIAGES OF AFFINITY BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. HUNT said, he rose to move that the Committee be deferred for six months. He did not think that the promoters of the Bill ought to expect any apology from him for again challenging the opinion of the House on its principles, when they remembered that the second reading had only been carried by a majority of eleven at an early period of the Session, in a thin House, and when many of the Scotch representatives were absent. He took a very strong view of the question, considering as he did that the Bill, if carried, would bring about a very great social revolution. At present they had this principle to guide them—that degrees of affinity were on a par with degrees of consanguinity; but if that principle were once broken in upon, where did the promoters of the measure propose to stop? No satisfactory reply to that question had as yet been given to the House. The Bill on the table was intitled "A Bill to render legal certain marriages of affinity;" but when hon. Members came to look at the clauses of the Bill, they found that all it sought to do was to legalize marriage with the sister of a deceased wife. Let the House once concede that, and on what ground could they then prevent a man from marrying the mother of his deceased wife? He challenged the promoters of the Bill to give an answer to that. If they were prepared to say, "Let us sweep away all the barriers to matrimony by reason of affinity," then the exact position of the case would be known; but he protested against being left at sea as to the principle upon which the law was based with regard to marriages. As to the grievances of those who had contracted marriage with a deceased wife's sister, there might be instances in which he felt compassion for such persons; but that was a very good saying in Westminster Hall—"Hard cases make bad law." He protested against altering the principle of our laws to meet hard cases. If a man deliberately and designedly chose to transgress the law of the country, he had no *locus standi* to come to that House for redress. No one could pretend that he was not aware of the law, for on every church door there



was a table of the degrees of affinity within which marriage was forbidden by Scripture and by the laws of the country. Hon. Members who took another view of the question said that if no express declaration of Scripture against those marriages could be pointed out, it was not within the province of the Legislature to prohibit them. He entirely repudiated that doctrine. Marriage itself, in its present form, was altogether the creature of legislation. From the time when—

“Wild in woods the naked savage ran,”

and intercourse was promiscuous; through the time when polygamy was first unrestricted, and then restricted, up to the present age, there had been a gradual improvement; but the advocates of the Bill were endeavouring to turn back the tide of civilization. He had on former occasions declined to discuss the question on religious grounds, because he did not think that House was the place in which it should be debated; but the House ought not to lose sight of the broad fact that the religious feelings and opinions of the people were opposed to these marriages, and those feelings and opinions ought to be respected by the House. If that House were to sanction a law opposed to the religious feelings of the mass of the people, the power of the law over the minds and consciences of the people would thereby be weakened, and, perhaps, subsequent acts of the Legislature would be disregarded by them. Hon. Members had heard strong arguments in that House in favour of the Bill, founded on the assumption that it was a poor man's question. But was that the fact? Some years ago information had been collected relative to cases in which marriages with the sister of a deceased wife had been contracted or had been prevented in consequence of the law; and with what result? Why, that out of more than 1,600 of these cases only forty were among the lower classes. There was a large money-organization in favour of the proposed change. It was mentioned on a former occasion that two guineas had been offered for 400 signatures to a petition in favour of a Bill of that character. That did not seem as if it was a poor man's question. If it was a poor man's question, would two whole columns of the leading journal have been filled on the previous day by an advertisement, with a bit of Hebrew at the top of it, to serve as clap-trap? He would ask the House to consider some of the social

consequences that would arise from the Bill being carried. He would put the case of a wife on her death-bed, and an unmarried sister being summoned to her side. If the Bill were to pass, might not the sister reasonably hesitate to obey such a summons? Might she not by obeying it expose herself to the suspicion that it was not the dying person so much as the living upon whom she was going to attend? Suspicion would thus be engendered where now all was confidence; unhallowed feelings would be raised where now all was purity; an evil would be inflicted on the people of this country which the promoters of the measure had not considered, but which he trusted that House would never sanction. He begged to move that the House resolve itself into Committee on the Bill that day six months.

MR. LYGON said, that he begged to second the Motion.

Amendment proposed,

“To leave out from the word ‘That’ to the end of the Question, in order to add the words ‘this House will, upon this day six months, resolve itself into the said Committee’”

—instead thereof:—

MR. BALL said, that the question had been so much discussed that it was not likely anything new could be said on the subject; but in common with many other hon. Members, he thought the House ought to consider whether something could not be done to relieve the inconvenience and suffering of persons who had entered into this prohibited relationship. There was no authority which they could so well consult for right guidance on the question as the Word of God, which was not only silent, but, fairly construed, gave permission and sanction to marriage with a deceased wife's sister. Nay, more, it rather recommended and encouraged it. The Jews, who had received the Divine law on the subject, had from that time recognised the necessity of these marriages, and had given encouragement and sanction to their contraction. Such being the case, he thought that House had no right to restrict the opinions and inclinations of the people at large. The tendency of passing laws in opposition to the commonly received opinions of the people was to weaken respect for the law, especially amongst the lower classes. Whether it was or was not a poor man's

question, he was quite sure that nine out of every ten poor men who read the Bible would say, that according to their understanding such marriages were justified by Scripture. The same view was taken by the great body of Wesleyans, and all religious teachers amongst the Dissenters were unanimous in their opinion that it was a proper thing for a man to marry the sister of his deceased wife. It had been urged that those marriages would have a certain influence on society; that the wife's sister would not be admitted into the domestic circle, and would not be allowed to associate in that kindly intercourse which now took place. He was sure he might repudiate such an assertion and such suspicion on the part of the working classes. He thought it a great slander on the upper classes to suppose that the wife's sister would not be able to associate in the family circle without inspiring the husband with improper desires; while, as regarded the middle class, to which he belonged, such an idea supposed a degree of corruption which he entirely repudiated, disavowed, and did not believe to exist. If he understood human nature aright, he believed such a result much more likely to happen where a lady was admitted into the domestic circle who was unconnected with the wife; his conclusion, therefore, with regard to the presence of the wife's sister, was totally different to that which had been arrived at by other hon. Members. The law, as it at present existed, was totally disregarded by the lower classes, and as he thought the House had no right to legislate adversely to the consciences and opinions of the mass of the people on such a subject, he should support the measure.

MR. MONSELL said, that he entirely agreed in the opinion that it was wrong to keep upon the statute-book any law that was adverse to the general feeling of the people. With regard to Ireland and Scotland, there was, he believed, no difference of opinion in that House that in both these countries there existed the strongest and most earnest feeling against the passing of this Bill. He did not consider himself at liberty to mention all the instances that had come under his knowledge of the intensity of this feeling in Ireland; but when, unfortunately, marriages of the kind under consideration had been celebrated abroad between persons of high position, when the parties in

*Mr. Ball*

question returned to Ireland the sentiments of the whole community had been very unequivocally expressed with reference to their conduct. In Scotland, he believed, a similar feeling existed; nor did he believe that any considerable portion of the people of England were in favour of the Bill. If any proof were wanting of the sentiments of the women of England, it might be found in the stress laid upon any petition in favour of the Bill when any five or six married women could be got to sign it. It was undeniable, then, that the great mass of the women of England were opposed to the Bill. The hon. Member (Mr. Monckton Milnes) would, he thought, treat the House with very scant courtesy if he did not say how far he intended to go, and whether he did or did not intend to carry out the principle of the present measure to its logical conclusion. It was bad enough to unsettle the mind of the people by bringing in such a Bill year after year; but if the measure were once adopted, the seeds of future agitation for years to come would be sown, and repeated attempts would be made to lead the House down a sliding precipice—one step of which had already been taken in founding the Divorce Court—and incalculable evil would be done to the morality of the community. As he wished to deal candidly with the House, he would state at once that he concurred with the hon. Member for Cambridgeshire (Mr. Ball) in thinking that there was no distinct prohibition of these marriages in Scripture. He agreed with Jeremy Taylor when, speaking of the discussions that arose with regard to the marriage of Henry VIII. with Queen Catherine, he said—

“Before this time there was almost a general consent upon this proposition, that the Levitical Degrees do not by any law of God bind Christians to their observance.”

But did the hon. Member for Cambridgeshire believe that the Christian idea did nothing more than induce men to observe certain dry precepts? Take the question of slavery. There was no abstract law laid down in Holy Scripture against slavery. But when the Christian spirit truly interpenetrated society, it gradually extruded the idea of slavery. In the same manner, when the Christian idea took possession of the Roman empire, marriages of the kind now proposed became distasteful and abhorrent. Thus in the Theodosian Code, which was drawn



up at the very era marked by Gibbon as that when Christian supplanted Pagan principles, it was laid down, "That although it was formerly thought that it was lawful to marry a sister-in-law after death or divorce, yet let all abstain from such marriages." A similar change occurred in France at the end of the fifth century, after the invasion of the Visigoths. When peace was restored and Christian doctrines began to leaven society, a Council in France, A.D. 519, after enumerating among those guilty of incest a man marrying his wife's sister, said, "Let such marriages be null for the time to come." In England, from the time St. Augustine first planted the cross in Kent, these marriages had, without special dispensation for cause shown, been unlawful. If, then, the general spirit of Christianity had been always opposed to these marriages, on what principle was that Christian feeling founded? As Christianity raised the idea of the married state, and gave an indissolubility to marriage that it did not before possess, it made the husband and wife so entirely one that the brothers and sisters of the wife stood in the same relation to the husband as his own brothers and sisters, and *vice versa*. This relationship had been well described by a poet, with whose works the hon. Member (Mr. Monckton Milnes) was well acquainted—

"Wedded love with loyal Christians,  
 Lady, is a mystery rare;  
 Body, heart, and soul in union,  
 Make one being of a pair."

The example of Continental countries had been quoted in favour of these marriages. In 1791, the era when the ideas of the French revolution prevailed, a law more logical than that of the hon. Gentleman was introduced into Prussia, abolishing the restrictions on these and other marriages. What was the state of feeling in Prussia now with regard to marriage? An instance had occurred in which a gentleman sat down to play a game at whist with his wife and two ladies from both of whom he had been divorced. It was in countries where the sanctity of marriage was least respected that such marriages were encouraged. For these reasons he should oppose the present measure in every way in his power. He should certainly move, if the Bill went into Committee, that Ireland be exempt from its operations. He should, however, prefer to unite with

those who clung to the Christian idea of marriage in procuring the rejection of the Bill at its then stage. He wished that the law which had been in existence for 1,200 years should still be maintained, and he believed that those who agreed with him in that wish would be able to defeat that most objectionable Bill.

SIR WILLIAM JOLLIFFE said, it was with great reluctance that he differed from so many of his hon. Friends on the question. He could not, however, avoid the conclusion that the theological argument against the Bill rested on very faint and inefficient grounds. He wanted to know whether the law on the subject was not in a very unsatisfactory state; whether, in fact, the law since 1836 had not been a blot on the statute-book, and almost a discredit to Parliamentary Legislation. Could anything be more anomalous or illogical than a law that condoned all former offences, and yet inflicted the most cruel and unchristian injury on those who should hereafter contract similar marriages? Christian duty and Christian feeling alike pointed out that the natural protector of a deceased sister's children would be the sister, who would occupy not only the position of a step-mother, but also that of an aunt; nor could he understand that any of the happiness or purity which now prevailed in families would be overthrown by the liberty to contract such marriages. The privilege of living with one's relations was the privilege of the higher, and not of the lower classes. Those who had to seek their living were compelled to go into service or engage in trade, and it was their constant fate seldom to see their relatives. But it was a monstrous proposition to suppose, that if the Bill passed, a man was never to see in his own house or to live on intimate terms with a person whom he might marry after the decease of his wife. A man could marry his own or his wife's cousins, yet it was never alleged that he could not enjoy their society. He believed it to be a poor man's question, and, viewed in that light, he could not conceive any law more repugnant to Christian motives and principle than that which it was now sought to repeal. He would mention the case of a poor man in Sussex, whose wife died, leaving six children, who were brought up by a younger sister, who ultimately took her sister's place. She saved the children

from the workhouse; she discharged her duties to the family, the neighbourhood, and the State; and yet the law inflicted upon her the most dire disgrace, besides making her own children illegitimate. He had never joined any of the societies formed to agitate this question, nor was he actuated by any other motive than a desire to make the law more just and equitable. Since the year 1836 he had constantly urged the repeal of the law prohibiting marriage with a deceased wife's sister, and he should continue to do so.

MR. GREGSON said, that the great preponderance of petitions and signatures since 1857 had been in favour of the present Bill. While the signatures to petitions in favour of the Bill exceeded 1,000,000, there were only 140,000 signatures to the petitions against it.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 116; Noes, 148: Majority 32.

Words added.

Main Question, as amended put, and agreed to.

Bill put off for six months.

#### CLERGY RELIEF BILL.

##### LEAVE. FIRST READING.

Order for Committee read.

MR. E. P. BOUVERIE said, he had placed on the paper a notice of his intention to Move in Committee of the Whole House for leave to bring in a Bill for the relief of persons in Holy Orders of the United Church of England and Ireland declaring their dissent therefrom, and he therefore begged leave to move that Mr. Speaker do leave the chair.

SIR WILLIAM HEATHCOTE asked whether the right hon. Gentleman ought not first to explain his Bill, so as to show some ground for going into Committee.

MR. E. P. BOUVERIE said, that no Bill relating to religion or trade could be introduced except in Committee of the whole House. It would be more regular, therefore, that he should make his statement in Committee.

House in Committee.

MR. E. P. BOUVERIE said, it would be in the recollection of some hon. Members, that about thirteen years ago a gentleman, who had been a clergyman of the Church of England, but who had dissented from

*Sir William Jolliffe*

the Church, established a chapel in the West of England and conducted the service as a Dissenter. That gentleman's name was Shore. The bishop of the diocese proceeded against him for a breach of canonical discipline. Mr. Shore attempted to screen himself from the proceedings by making a declaration under the Toleration Act, which exempted Dissenters from the penalties otherwise imposed on Nonconformists. The bishop contended, on the other hand, that as Mr. Shore had once taken holy orders he could not relieve himself from the obligation of canonical obedience. The case was tried in the Court of Queen's Bench, which decided in favour of the bishop. Mr. Shore was thrown into prison, and the House allowed him (Mr. Bouverie) to bring in a Bill in 1849 to alter the law so as to prevent a recurrence of the grievance. The Bill was read a second time, and referred to a Select Committee containing some of the most eminent Members of the House, by whom the measure was produced in such a shape that it was passed by the House, although it failed in that Session to obtain the Royal Assent. Such was the Bill which he hoped he should be permitted to introduce with the view of meeting a practical grievance which had arisen. A clergyman of the Church of England could by no act of his own divest himself of the obligation of canonical obedience to his bishop; he could not engage in any course of life as a layman, or, if he did, he was liable to be proceeded against in the Ecclesiastical Court and to be thrown into prison. The House would agree with him in thinking that they should not endeavour to retain by force in the ministry of the Church those who from conscientious conviction avowed their disinclination to remain. He could mention cases of one or two gentlemen actually suffering under this particular hardship. There was a gentleman, a member of one of the Universities, who once had held an important living in a northern town; but having formed during his ministration certain conscientious opinions, he resigned his preferment. As he was a young man, he wished to go to the bar; but having been in Holy Orders, he was precluded from so doing. The canon by which a clergyman was bound said that he should do nothing in the course of life as a layman; and if he had not an independent fortune, he was shut out from the means of subsistence. That was a state of things which the



friends of the Church of England could not wish to retain. He proposed, therefore, by the present Bill, to provide that a clergyman might make a solemn declaration of his conscientious dissent from the doctrines of the Church of England; that that declaration should be registered, and notice of it given to the bishop, and that he should then be permitted to engage in any other course of life.

MR. HUBBARD said, that in the declaration required of a minister he would have to state his conscientious dissent from the doctrine of the Church of England. That implied that he was going to leave the communion of the Church. He thought it important that the House should be informed whether the right hon. Gentleman proposed to provide relief for those who, without leaving the Church of England, were anxious to divest themselves of their clerical character.

MR. E. P. BOUVERIE replied that the Bill would not deal with cases of that kind. There was a third class, however, who might make the declaration under the Bill—namely, those who entertained conscientious scruples with respect to subscription to the Thirty-nine Articles and other formulas of the Church of England, but who wished to remain as lay members of her Communion.

MR. DARBY GRIFFITH said, if the House were to allow a person to liberate himself from trammels which were distasteful to him, they would offer a decided premium to his going further and professing himself a Dissenter.

SIR WILLIAM HEATHCOTE said, it would be very ungracious, after what his right hon. Friend had stated, to refuse leave to introduce the Bill; but the few remarks that had been just made would show that the case was not after all so very clear.

MR. HENLEY said, he hoped it would not be thought unreasonable to ask that a considerable time should be allowed before the second reading of the Bill. It was only on the previous night that notice of the matter was given, and no one could judge from such notice what the scope of the measure might be.

MR. LEFROY said, that as the Bill was to extend to Ireland, he hoped as much time as possible would be given for the consideration of its provisions.

#### *Resolved,*

"That the Chairman be directed to move the House, 'That leave be given to bring in a Bill

for the Relief of Persons in Holy Orders of the United Church of England and Ireland declaring their dissent therefrom.'"

House resumed.

Resolution reported.

Bill ordered to be brought in by Mr. BOUVERIE and Mr. EDWARD ELLICE.

Bill presented and read 1<sup>o</sup>; to be read 2<sup>o</sup> on Wednesday next, and to be printed [40].

House adjourned at a quarter before Two o'clock.

## HOUSE OF LORDS,

Thursday, March 13, 1862.

### LUNACY REGULATION BILL.

#### PERSONAL EXPLANATION.

The EARL OF DERBY: My Lords, I have given notice to the noble and learned Lord on the Woolsack that I would afford him an opportunity, at the meeting of the House this evening, of setting either himself or me right with regard to a statement made by the noble and learned Lord on the last occasion your Lordships were assembled. Your Lordships, perhaps, may recollect that on that occasion I found myself called on to vindicate my noble and learned Friend near me (Lord Chelmsford) and myself from a charge brought against us by the noble and learned Lord on the Woolsack, either of inconsistency or of great shortness of memory, in objecting to a clause contained in the Bill of Her Majesty's present Government, when we had given our support to a similar clause contained in the Bill introduced by my hon. and learned Friend Sir Hugh Cairns. I thought I showed conclusively that these two clauses were entirely different, although *in pari materia*, and therefore that we were perfectly consistent in opposing one and in supporting the other. I cannot give a better proof of the broad distinction between them than by stating that it is my intention, when your Lordships go into Committee on the Lunacy Regulation Bill, to move the substitution of the clause of Sir Hugh Cairns' Bill for that which appears in this Bill. In the answer which the noble and learned Lord gave he said that he was rather surprised that I should not have been aware that no inquiry before a jury could be had except on the demand of the alleged lunatic, and accompanied that statement with a rather sarcastic ob-

servation about noble Lords speaking upon imperfect information. With great respect to him, I have to say, in the first instance, that the answer was wholly irrelevant to the point at issue, which was a comparison between two clauses *in pari materia*, both referring to cases where a trial by jury was to be held, and both referring to the Judge who was to preside over the jury. The difference between the two clauses was, that in one instance it was required that in all cases the Judge who presided should be a Judge of one of the superior courts, and in the other it was permitted that in exceptional cases he might be so. Therefore, to say that the law did not allow a trial by jury, except upon the demand of the alleged lunatic, was no answer, and had nothing whatever to do with the point at issue between us. I did not, upon a point of law, venture to enter into a controversy with so high an authority as the noble and learned Lord. It was impossible for me to suppose that he could be speaking, as he represented me to have done, upon imperfect information; but I cannot help thinking that upon reflection the noble and learned Lord will think it right to qualify the statement which he then made with regard to the law; and, if he will permit me for a very few moments, I will state to him the grounds upon which I think that that statement of his was not a correct representation of the law. The noble and learned Lord's statement was, that in no case could a trial by jury be held in a case of alleged lunacy, except upon the demand of the alleged lunatic himself. I turn to the Act of 1853, and, in the first place, I venture to say that, apart from any demand by the alleged lunatic, the Lord Chancellor has a perfect and indisputable right to direct that any case whatever that he shall think fit and expedient shall be tried before a jury, without any reference to the alleged lunatic. The 42nd section of the 16th and 17th of the Queen, cap. 70, states, that where the alleged lunatic does not demand an inquiry before a jury, and it appears to the Lord Chancellor upon consideration of the evidence adduced before him on the petition for inquiry, and of the circumstances of the case so far as they are before him, to be unnecessary or inexpedient that the inquiry should be before a jury, and he accordingly does not in his order for the inquiry direct the return of a jury, then it shall take place before a Master in Lunacy. This clause refers to cases

in which the lunatic has not applied for a trial before a jury, and the words "where the Lord Chancellor does not deem it expedient to direct a trial by jury" would be absolute nonsense, and absolutely useless, unless the Lord Chancellor had the power to direct a trial by jury irrespective of the demand of the alleged lunatic. Then, turning to the 44th clause, I find that even where the Lord Chancellor has not seen it necessary to direct an inquiry by jury, the Master in Lunacy who is conducting the investigation may, whenever he thinks fit, stop the trial, and on his mere motion direct that a jury should be summoned, and that the case should be tried before them. Then there is a third case, where the alleged lunatic is not within the jurisdiction, in which the inquiry—not may, but shall be before a jury. Thus there are three cases in which, without any reference to the demand of the lunatic, a jury may be had. In one case the power is vested in the Lord Chancellor, and in another in the Master hearing the case, while in the third the trial must be by jury, although there may be no demand on the part of the alleged lunatic. I thought it necessary to bring this subject before your Lordships, because I feel quite certain that, after what I have said, the noble and learned Lord will perceive that he, perhaps hastily, committed himself upon a question of very considerable importance. It is of importance that your Lordships should receive every legal opinion which may come from the Woolsack with implicit confidence that it is an authentic exposition of the law. I think it, therefore, most desirable that the noble and learned Lord should have an opportunity of explaining any misapprehension which may have taken place, if there has been any; or, if not, of fairly stating that in a hasty debate he had given a representation of the law which, upon further inquiry, he finds to be inaccurate.

THE LORD CHANCELLOR: My Lords, I am indebted to the noble Earl for his courtesy in giving me notice of his present question, or rather, of his intended speech to your Lordships; but I am sorry to say that that notice came to me during the morning, when I was engaged in the duty of hearing appeals, and the interval which has elapsed since your Lordships rose has been almost wholly occupied by interviews with persons having business with me as Lord Chancellor. I must, therefore, answer the noble Earl upon the



information which I previously possessed. I am sorry to find that the noble Earl entertains some feeling of irritation at the recollection of what passed the other evening. I can only express my regret if any word fell from me which was calculated to give rise to any feeling of vexation or of offence in the mind of the noble Earl. I must, in justice to myself, say that I find constant appeals made to the duty of the Lord Chancellor to expound the law, but that I also find a constant disposition on the part of those who are desirous of obtaining his expositions to question their accuracy. Now, what occurred was this. You must recollect precisely the matter on which we were speaking. I had been charged—or rather, I will not use that expression charged, but in the speech made by the noble and learned Lord (Lord Chelmsford), in opposition to the Bill, the proposition to try a commission of lunacy before one of the Judges of Westminster Hall was denominated a thing impracticable, a thing absurd.

LORD CHELMSFORD: What I said was, that it would be so in some cases.

THE LORD CHANCELLOR: It was denominated a thing impracticable, because it was said that the inquiry must always be at the residence of the lunatic.

LORD CHELMSFORD: No, no. I am sure that the noble and learned Lord does not wish to misrepresent me. I never said anything of the kind. What I said was, that in a great variety of cases—country cases—the inquiry must take place at the residence of the lunatic; and that in those cases it would be impracticable to send one of the Judges of the superior courts down to visit the lunatic for the purpose of the inquiry.

THE LORD CHANCELLOR: I do not wish to fix upon the noble and learned Lord any particular expression, though I might appeal to the memory of your Lordships on that subject. Let that pass. The noble and learned Lord certainly spoke of the proposition as one which had nothing to recommend it. He certainly represented it as a proposition that no reasonable man would bring forward. Then, I desired in good humour, not with any disposition to be sarcastic, but very humbly to remind the noble and learned Lord, and the noble Earl who cheered him, of what they might have forgotten—namely, that the proposition was one of their own. [The Earl of DERBY seemed about to interpose an observation.] The noble Earl will probably curb

his ardour and allow me to be heard without interruption. The proposition to try commissions before a Judge of a superior court is a point that was contained in a Bill of the noble Earl's late Government.

THE EARL OF DERBY: I am very sorry to interrupt the noble and learned Lord, but I am bound to prevent his going further when he is stating that which is not quite accurate. The point at issue between us was whether it was practicable in all cases, where a jury was demanded, to have the trial compulsorily before a superior Judge of the land. To that proposition my noble and learned Friend objected, and that proposition, I assert, is not to be found in the Bill of Sir Hugh Cairns.

THE LORD CHANCELLOR: I must repeat again, even at the risk of being a third time interrupted—a third time interrupted—I am very sorry that the observations I am making are felt so much that noble Lords cannot sit still—now, my Lords, I repeat again that what I said was, that the proposition to try commissions before a Judge of the land was taken from the Bill of the noble Earl's Government. The noble Earl immediately fastened upon me a representation which I had never made, and, most acute in such things, he converted my words into a statement that the provision in my Bill was identical with the provision of Sir Hugh Cairns' Bill, and that he has repeated now. I said no such thing; but, dealing with the idea of substituting a Judge of the land for a Master in Lunacy—a most desirable thing—I said that the idea was to be found in the Bill of the noble Earl's Government. The noble Earl immediately fastened on me the representation that the provision of the one Bill was identical with that of the other; and that gave rise to the immediate subject of the present conversation. The noble Earl said, "But your Bill provides that in all cases the commission shall go to one of the Judges, and Sir Hugh Cairns' Bill provided only that the commission might go to a Judge in any case where the inquiry should be opposed by the alleged lunatic." My observation upon that was that my clause related to precisely the same case; and that was perfectly correct. The clause in Sir Hugh Cairns' Bill ran thus—

"A commission in the nature of a writ *de lunatico inquirendo* may, in any case in which the inquiry shall be opposed by the alleged lunatic, and with a view to the ultimate saving of litigation and expense, if it shall be considered expedient,

be issued under the Great Seal, addressed to any of the Judges of Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer, directing them to make by a jury the inquisition to be therein mentioned."

In my Bill the clause is as follows:—

"Every commission of lunacy which directs the inquisition thereon to be made by the oath of a jury, shall be addressed to one or more of the Judges of Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer; and the Judge, or one of the Judges, to whom such commission shall be so addressed, shall make the inquisition thereby directed, and shall return the same into the High Court of Chancery."

The distinction attempted to be drawn was that the clause I have introduced applies to every commission, whereas the clause of Sir Hugh Cairns applied only to some commissions in particular. [The Earl of DERBY: Hear, hear!] To that I answered that my clause related to a commission issued on the requisition of the lunatic, and that, therefore, substantially the two clauses were the same. The noble Earl now says that is incorrect, as a commission might issue directed to the Master to hold an inquisition by jury where the lunatic did not demand it. As the law stands, the commission is generally directed to a Master; but if he finds he requires a jury for his own guidance, he can have one without an order. The House will observe that the 6th section of my Bill and the 12th of Sir Hugh Cairns' both apply to the case where there is a commission directed by the Lord Chancellor, which is the same thing as an order. Now, the result is, that whenever a commission is issued it must be in consequence of the alleged lunatic demanding a jury; but wherever the Master thinks fit to have a jury he may have it without an order and without a commission. To that representation I entirely adhere. To a slight extent, however, my answer was inaccurate. In that very rare case, of which, in all my experience, I recollect only one instance, when the alleged lunatic is abroad, the commission may direct a jury without an application from him. Therefore I think, under all the circumstances, it was unnecessary to bring this matter before the House; but, at the same time, I am happy to have the opportunity of avowing the slight inaccuracy into which I fell, and to that extent my noble Friends are entitled to their ovation.

LORD CHELMSFORD considered that it was of the highest importance, that the law laid down upon this subject should be perfectly correct. Unwilling as was the

*The Lord Chancellor*

noble and learned Lord to admit the least inaccuracy on any subject, he was compelled to confess that the statement he had made the other evening was not perfectly correct; but he contended that the noble and learned Lord was much more incorrect than he was ready to admit, for his statement was this—that there would be no jury summoned in cases of alleged lunacy, unless upon the demand of the alleged lunatic. He was satisfied at the time that the noble and learned Lord was incorrect; but as he felt bound not to make any statement of the law to that House without being perfectly sure of his ground, he did not attempt to correct the noble and learned Lord. But they had now the Act before them, and they saw that the noble and learned Lord was perfectly incorrect in the statements he made. There were no less than three cases in which a jury might be summoned without the demand of the lunatic. First, where the alleged lunatic demanded an inquiry before a jury, the Lord Chancellor was to direct the return of one, unless he was satisfied from personal examination that the alleged lunatic was incompetent to demand one. Secondly, where the alleged lunatic did not demand a jury, and where the Lord Chancellor was satisfied that he was not mentally competent to demand a jury, the Lord Chancellor might direct the investigation of the subject before the Master, with or without a jury; and lastly, in all cases where the lunatic was out of the jurisdiction of the Court, a jury would be summoned. The noble and learned Lord said he was incorrect in only one of these cases, but he (Lord Chelmsford) contended that the noble and learned Lord was incorrect in all the three.

THE LORD CHANCELLOR repeated, that practically the provision in regard to a commission issued on the requisition of the alleged lunatic was common to his Bill and that of Sir Hugh Cairns. He did not think it necessary further to allude to the points to which the noble and learned Lord had referred.

LORD CRANWORTH observed, that for five of the eight years during which the Act had been passed he had had the honour of holding the Great Seal. During those eight years, in only twenty cases had juries been applied for. His impression was that during the five years over which his experience extended there never was an order issued for a jury except on the application of the lunatic. Therefore, though his



noble and learned Friend on the Woolsack might be slightly wrong in point of theory, he was perfectly right as to the almost invariable and universal practice.

THE NEW FOREST—SHOOTING  
LICENCES.—OBSERVATIONS.

THE EARL OF MALMESBURY rose, according to notice, to call the attention of Her Majesty's Government to a circular sent to those persons who hold licences to shoot in the New Forest, as it is said, with the approval of the Commissioners of Woods and Forests. It might be within the knowledge of some at least of their Lordships, that a certain number of gentlemen—between forty and fifty—by the indulgence of the Crown, received licences, on payment of certain fees, to sport and shoot game in the New Forest. During the last few days a circular had been sent by some of these gentlemen to others enjoying the same privilege, expressing dissatisfaction with the present arrangements with respect to preservation of the game, and proposing a subscription for the purpose of encouraging the Queen's keepers or foresters to do their duty more efficiently. The writers stated truly that the New Forest was a preserve far more for vermin than game, and that it abounded with every kind of destructive animals, which were not only a nuisance to those who cared about sport, but to the neighbouring tenant farmers, who suffered from their depredations. They alleged that since the abolition of the office of Lord Warden, ten years ago, the foresters had received no positive orders to destroy the vermin, and with reduced salaries were naturally indisposed to expend money on powder and shot for the purpose. They stated, also, that poaching was very prevalent, and a great many head of game were stolen. They went on to propose a subscription for prizes to be given to the keepers who killed the greatest number of vermin, and to those who detected poachers. He submitted that this plan was not in accordance with the dignity of the Crown; that the Queen's servants ought not to receive directions from different masters; and that if they did not do their duty when fairly paid, they should be discharged. The circular stated that the permission of Mr. Howard, the Chief Commissioner, for the adoption of some such mode to remedy the grievance, had been asked and obtained. He believed

that Mr. Howard had no cognizance of this circular; but he supposed that Mr. Howard had given permission for the keepers to be thus paid. The remedy was in Mr. Howard's own hands, and if the principle of rewards was a good one, it would be infinitely better to take £1 a year more for each of the licences and to distribute the money himself. It would be derogatory to the Crown, or even to any private gentleman, to have his keepers or servants paid in the way proposed. The Forest was not managed as well as it might be. The keepers were very inferior to the keepers whom their Lordships would appoint, and he did not think their orders were sufficiently definite. The matter was of more consequence than might at first appear. He had naturally a strong feeling in favour of preserving the last of our ancient forests, and one which had not its equal in the United Kingdom. But, with many advantages, there were certain disadvantages attending a forest of 60,000 acres in the middle of a civilized country. Surrounding property was deteriorated in value, and unless the Forest was strictly kept, it naturally became the resort of bad characters of every kind. He should be the last to wish to see it disforested and enclosed. He could not help having a certain affection for it, and he thought it was the duty of those who had the management of the Forest to lessen, if possible, the evils and inconveniences of which complaints were made.

EARL GRANVILLE said, Mr. Howard had not seen the circular and was not responsible for any statement which it contained. Mr. Howard entirely denied that the men did not do their duty or were not sufficiently well paid. They were not keepers, but foresters. Their orders were definite, and those orders were obeyed. They were respectable persons, and respectable and competent men were ready to fill these situations at any time for the same pay. No orders were given with regard to the preservation of game, because their duties related entirely to the care and preservation of the timber. With regard to the preservation of the game, Mr. Howard had always said that the foresters had nothing to do with it, and he could not ask the Government to impose taxes upon the public in order to increase the amusement of a few gentlemen who lived in the district. Mr. Howard said that they might destroy the vermin, but they must meet the expenditure which would

be necessary. If the men could assist without neglect of their proper duties, they might; but, if the experiment failed, it would be stopped. With regard to the alternative suggested by the noble Earl, of an extra payment for licences, the money would go into the Exchequer, and would therefore fail to effect the desired object.

THE EARL OF HARDWICKE pointed out that this was a subject of great importance. He deprecated the want of care of the game, and pointed out that there was nothing more injurious than that the game should be half protected; it tempted the labouring population to trespass in search of game, and they filled the courts and petty sessions with cases.

#### RIVER SHANNON—PETITION.

##### QUESTION.

THE MARQUESS OF CLANRICARDE rose to present a Petition with respect to the Regulation of the Waters of the Shannon; and to ask, Whether by the Answer of the Treasury to the Memorial lately presented to that Department through the Irish Government, respecting the better Regulation of the Waters of the Shannon, it is to be understood that the landowners who signed that Memorial shall pay the expenses of the engineers or other officers employed by the Government, or only of the engineer to be engaged in that inquiry upon their behalf, in conjunction with persons in the service of the Irish Board of Works? The noble Marquess said that the Petition had reference to the Commission appointed twenty-five years ago in compliance with an Act of Parliament, and to the works which under subsequent Acts were constructed by the Commissioners, involving an expenditure of nearly £600,000. The Petitioners complained that those works were improperly and unskilfully constructed, and that they were not in accordance with the Acts of Parliament which required them. They complained also that the improvement in the navigation of the Shannon was not such as had been anticipated from those works, and also that the drainage had been completed in an unsatisfactory manner, so that from floods and inundations the country was in a worse condition than before the dams and weirs were constructed. The destruction of property from this cause was so considerable that in several places the people affected rose, and would have committed outrages if means had not been used to quiet them, and to assure them

that every effort would be made to draw the attention of the authorities to the grievance of which they complained. A Memorial, most influentially signed, had been forwarded to the Government upon the subject; but though it reached the hands of the Treasury in December, no answer was given to it until the 1st of March. The Petitioners prayed for inquiry by a Parliamentary Committee into their allegations; but he (the Marquess of Clanricarde) did not propose to give a notice in accordance with that prayer, because in the answer to the Memorial an inquiry on certain conditions had been promised. Whether the memorialists would be willing or not to accept the offer, he was not prepared to say. He might say, however, that the offer of an inquiry upon conditions that they should not investigate the shortcomings of the Commissioners, and that the inquiry should be conducted under the sole guidance, superintendence, and control of the Irish Board of Works, while the Petitioners were to pay the cost, was not such an answer as the memorialists had a right to expect. On Monday he should move for a copy of the Memorial, and of the answer of the Government thereto.

EARL GRANVILLE thought the accusation against the Treasury, as to the date of the reply to the Memorial, ought not to be pressed to any great extent. Considering the numerous applications made to the Treasury for the expenditure of the public money, it ought to take full time to consider them, rather than give a hasty answer, consenting to that expenditure. He understood that by the answer to the Memorial, dated the 1st of March, the Treasury consented to the appointment of two engineers, one by the Government, the other by the owners of the land, to report whether anything could be done, without injury to the navigation of the Shannon, to prevent or lessen the risk of flooding. This consent was given on three conditions—first, that the proprietors of the land pay half the expense of the inquiry; secondly, that nothing should be done that might in any degree injure the navigation of the river; and thirdly, that any improvements, when sanctioned, should be carried out at the sole expense of the proprietors. These conditions he hoped the memorialists would not consider unreasonable.

House adjourned at half-past Six o'Clock,  
till To-morrow, half-past  
Ten o'Clock.

*Earl Granville*



## HOUSE OF COMMONS,

*Thursday, March 13, 1862.*

MINUTES.]—NEW MEMBER SWORN.—For Longford County, Myles William O'Reilly, esquire.

PUBLIC BILLS.—2° Industrial Schools Acts (1861) Amendment; Bleachfields (Women and Children Employment).

## THE INDIAN TELEGRAPH SYSTEM.

## QUESTION.

MR. WHITE said, he would beg to ask the Secretary of State for India, If he is aware that the Electric Telegraph Service in that country is not in an efficient state either as regards engineering or management; whether the Government be of opinion that the recent appointment in India of three Military Officers to superior positions in that Service over the heads of duly qualified persons is not contrary to the previous orders of the Home Government; whether such appointments are not calculated to impair the confidence of the community in the efficiency of that Department; whether he is aware of any peculiar qualifications possessed by these officers to justify such exceptional appointments; and whether the Indian Government contemplate an immediate reorganization of the Indian Electric Telegraph Department?

SIR CHARLES WOOD said, he believed there had been some recent complaints from India of deficiencies in the working of the electric telegraph, mainly owing to the employment of native signallers who were not quite competent for the work. Representations having been made to the Indian Government, a Committee was appointed, and the result had been that the Department had been reorganized. With regard to any particular appointments, he must remind the hon. Gentleman that they were all made in India. The Home Government did not interfere with the appointments made in India unless some special ground was shown for its interposition. He had not the least reason to suppose that any improper appointments had been made over the heads of qualified servants. With regard to two of the Officers in question, Major Douglas and Major Stewart, he did not believe that two persons better qualified could be found either in the Indian or any other service. Two other Officers who had been promoted had been for some time in the Departments. Looking to the anxiety of the Indian Government to put

this service on a proper footing, he had no reason to suppose that any improper appointments had been made.

## CANADIAN BISHOPRICS.—QUESTION.

MR. ARTHUR MILLS said, he wished to ask the Under Secretary of State for the Colonies, Whether a Patent, dated July 9, 1861, appointing a Metropolitan Bishop in Canada has been returned to the Colonial Office for revision; and whether the attention of Her Majesty's Government has been called to the circumstance that the Patent in question may involve an infringement of the provisions of the Act 19 & 20 Vict., c. 121, of the Canadian Parliament, by which the appointment of all Ecclesiastical Functionaries within the Province was vested in the Canadian Synods?

MR. CHICHESTER FORTESCUE said, that a Patent for appointing a Metropolitan Bishop in Canada had been twice sent back to the ecclesiastical authorities of the Colony for revision before it was finally adopted. With respect to the Act of the Canadian Parliament, the hon. Gentleman seemed to be under some misapprehension. The Act did not vest the appointment of all the Ecclesiastical Functionaries in Canadian Synods, although it left the Synods to make regulations which might involve that assumption. That assumption of power had not, in fact, been made by them. The Crown still appointed Canadian Bishops, although it appointed persons who had been recommended to it by the Diocesan Synods. The Secretary of State for the Colonies thought that the old form of Letters Patent was no longer suited to the present state of things, and he hoped to provide in future a new form of document, which would enable the Bishops in Canada to consecrate persons designated by the Diocesan Synods, reserving only to the Crown a veto on those appointments.

## GREENWICH HOSPITAL.—QUESTION.

SIR JOHN HAY said, he wished the Secretary to the Admiralty to state the course intended to be pursued by the Board of Admiralty to carry out the recommendations of the Royal Commission appointed to inquire into the management of Greenwich Hospital.

LORD CLARENCE PAGET said, if the hon. Member wished to ascertain whether the Government had any intention of bringing in the same Bill this year which

they brought in last year, he might say that they had no intention to do so; for last year both Houses of Parliament received that measure rather unfavourably.

SUPPLY—POSTPONED RESOLUTION  
(BARRACKS AT HOME AND ABROAD)  
—SANDHURST COLLEGE.

RESOLUTION RECOMMENDED.

SIR GEORGE LEWIS: Sir, I rise to move the Resolution of which I have given notice, with a view of bringing the Vote of Sandhurst College under the consideration of the House; and I believe it will be more convenient that I should make my statement on this Motion, inasmuch as the House will then have full discretion whether to go into Committee or not, and will be able to vote with a full knowledge of all the circumstances of the case. Now, Sir, the Committee of Supply have decided to reject a Vote of £10,787 for increasing the Royal Military College at Sandhurst. The question which I shall have to submit is, whether the House will again go into Committee of Supply with the purpose of reviewing that decision? The Vote was, in fact, a repetition of the Vote of last year. Last year a plan was introduced into the House by my hon. Friend (Mr. T. G. Baring) then Under Secretary for War, according to which all persons entering the army were to pass through the College of Sandhurst, whether their Commissions were obtained by purchase or without purchase. That was the plan which had been proposed by His Royal Highness the Commander-in-Chief and sanctioned by my predecessor, and which was then opened to the House by my hon. Friend. Some debate arose on that proposition, and a division took place, and my hon. Friend agreed to postpone the ultimate decision on the plan until Parliament had had an opportunity of reviewing the question. But, in consequence of the division that took place, my hon. Friend gave notice that the Vote of last year, £15,000, would be expended in the course of the year. There is no doubt at all on that point; and the money was voted by this House, but voted, not as sufficient for carrying the plan which had been proposed by my hon. Friend into effect, but merely as an instalment of the sum which would be necessary for that purpose. It was distinctly understood by the House that to the extent of that £15,000 the War Department were at

*Lord Clarence Paget*

liberty to proceed. [An hon. MEMBER: No, no!] Well, I assert in the most deliberate manner, after having examined the debates of last Session, for I hold an impartial position in the matter, that the House had distinct notice from my hon. Friend that it was intended to expend £15,000 on the enlargement of the College of Sandhurst. I dwell particularly on this point because, in consequence of the remarks that were made on a late motion respecting the management of public monies, some hon. Members appeared to be under the impression that there had been a want of good faith on the part of the Government, and that they had been expending money on buildings at Sandhurst without the authority of Parliament. Nothing can be more certain than that this Vote of £15,000 was for the purpose of enlarging the college, and not one farthing had been spent without the explicit authority of a Vote in Supply, and also of the House in the Appropriation clause. The House ought to understand the nature of the plan that was opened by my hon. Friend last Session, because it differs materially from the plan I propose, and which is the foundation of the Vote that I am about to ask. One is far more extensive than the other, and I conceive that all that was intended by the promise of the Government was that the more extensive plan should not be acted upon without further deliberation and the permission of the House; and that no steps should be taken which involved the execution of that plan. That promise has been most faithfully kept, and more than kept, because I have abandoned that larger plan for the present without asking the House to assent to it, and have reduced it to the plan which I have before stated, and now repeat for the information of the House.

The House ought to be aware that there were very high authorities for the adoption of the original scheme—namely, the larger one that was opened to the House last Session. I will read a passage from the Report of the Select Committee on Military Organization. That Report, made two Sessions ago, was the basis of the proposal that was made last Session to the House. The Committee, in page 12 of their Report, say—

“For the purpose of obviating objections as to the large amount of patronage at the Horse Guards and the number of first commissions given away, the Commander-in-Chief opened a plan, whereby henceforth there should be only one en-



trance into the army, and that through the medium of a military college. His Royal Highness is of opinion 'that this would be the most desirable thing which could be introduced into the service.' He gave the outline of a plan in great detail, which would be best explained by reference to the evidence, and to the questions and answers specified in the margin. Mr. Herbert, who heard that evidence, and who took part in the examination of his Royal Highness, declared that in his opinion the advice given by the Duke of Cambridge was sound; that, if it were adopted, the whole dispute as to first commissions would be entirely at an end, and that one entrance into the army through the door of a military college would terminate the controversy respecting patronage. He stated further that he had himself made the same proposal some years ago in the House of Commons; that he had a plan now before him, submitted by the Council of Education; that, with the Commander-in-Chief, he was now considering it; and that, in the event of the fusion of the European Indian army with the Queen's army, many difficulties with respect to the enlargement of the patronage at the Horse Guards would be removed by the establishment of this military college. The plan being thus avowedly incomplete, and the details not yet being matured, your Committee do not think it expedient to pronounce a decided opinion on the subject; but the measure proposed is well worthy of the most careful consideration."

It is evident, however, what was the bent of the opinion of the Committee. They were favourably inclined towards the plan as affording a solution of a difficult problem with respect to the patronage of first commissions, and particularly with respect to the amalgamation of the Indian army. I confess nothing has so much surprised me in the discussion of this subject as to hear that this plan, with respect to Sandhurst, is considered by some persons what is termed "a job." In fact, it is the very opposite of a job, and was proposed by the Duke of Cambridge with the perfectly disinterested view of restraining his discretion in the disposal of his own patronage, and of imposing conditions with respect to merit upon persons entering the army. Instead of the Duke of Cambridge having an unlimited power of giving first commissions, he proposed that every one about to enter the army, whether by purchase or not, should be required to spend a year at Sandhurst, and afterwards to undergo the ordeal of a competitive examination. Now, if that process involves anything which has the most remote resemblance to a job, I confess I never understood what that monosyllable means. Anything which tends more decidedly in the opposite direction it is impossible for me to conceive. A very large proportion of the Members

of this House must remember what passed during the debates on the India Bill, and the jealousy which was expressed with respect to the unlimited power of the Government in disposing of the Indian patronage. Such power on the part of the Government has always been, from the time of Mr. Fox's India Bill to the Bill which was passed a few years ago, one of the great objects of the jealousy of Parliament. Now, in consequence of the addition of nine infantry regiments and three cavalry regiments to the Indian army, there will be a great increase in the number of non-purchase commissions, and it is to non-purchase commissions that I shall propose to limit this plan.

Well, then, the proposal made last Session was for a Vote of £15,000 to commence the enlargement of Sandhurst College, with a view ultimately to make it sufficiently large to pass every person entering the army through its walls. For that purpose £15,000 would not have been sufficient; but, in consequence of a deliberation which took place during the recess, I came to the conclusion that it would not be desirable, for the present at all events, to press that plan upon the adoption of Parliament, but to limit it to commissions obtained without purchase. The result of that decision was that a contract was made, I think, in August last, to the amount of nearly £15,000; and it was intended that that contract, when executed, should enlarge the college to a sufficient extent to meet the limited demands which would be made upon it in consequence of the restriction to which I have adverted. The decision of the Committee of Supply has placed me in this position, that in consequence of only a small part of that contract having been executed—to the amount of about £1,000—up to December last, and of some £4,000 which it is expected will have been executed to the end of the quarter, I am now obliged to come to the House for a re-Vote. The rule which obtains with regard to the War Office does not obtain with respect to the Civil Service. If this were a harbour Vote, for instance, the £15,000 might be expended in the ensuing year; but the rule of the War Office is more strict, for the authority given to it in this respect lasts only to the 1st of April following, so that if the whole sum is not expended, it is necessary to come to Parliament for a re-Vote. Substantially, therefore, I only asked the Committee the other night to

re-Vote so much of the grant of last year as should not be expended up to the 1st of April. If on reconsideration that Vote shall not be made, all I can say is that the money already expended is thrown away; that we must compensate the contractor out of the Vote of last year for his loss in not being able to execute the rest of the contract, to the amount of perhaps £5,000; and that a couple of thousand pounds more will have to be expended in removing the half-finished walls now standing. Therefore there will be an expenditure in this way of about £12,000, and the whole sum which I now ask is only £10,000 to give the requisite accommodation for adapting the College to the limited wants I have described.

Now, there is a circumstance to which the House ought to advert in coming to a decision on this question—namely, that when the East India Company was in existence, it had a Military College at Addiscombe; that College has been suppressed, and the military students who used to be received there are now divided between Woolwich and Sandhurst. That is another reason why additional accommodation will be needed at Sandhurst. Addiscombe was intended mainly for the formation of artillery officers and engineers, but those who failed obtained infantry commissions. The whole of that class will have to be provided for at Sandhurst under the present regulations. If the House should approve the principle that persons who are to receive non-purchase commissions must go through a course of military instruction and pass a competitive examination, some provision must be made for this class of persons. The change that has taken place in the Indian Army as regards Sandhurst is not limited to the commissions in the twelve new regiments; but when vacancies are occasioned by appointment to the Staff in India, they will lead to non-purchase commissions in whatever regiments they may occur. That circumstance, therefore, will occasion an addition to the other students at Sandhurst. The House may, perhaps, wish to know what will be the total number of non-purchase commissions to be given away under the new state of things. As far as I am able to ascertain, the total number, as estimated by His Royal Highness the General Commanding-in-Chief, is 230 non-purchase commissions per annum. Of these, between 30 and 40 will be reserved to non-commis-

sioned officers who will not pass through Sandhurst or undergo examination. There will be also 20 Queen's cadets, sons of officers who die in the service; and 20 more, sons of Indian officers, so that 160 will be left for annual competition. The Queen's cadets will be subjected to a qualifying, but not to a competitive, examination. It is only fair to require that they should show that they are competent. Hitherto the number of non-purchase commissions competed for has not exceeded 20, so that the difference between the future number and the present will be the difference between 160 and 20. Each first commission is worth, according to the regulation price, £450; and that amount, multiplied by 190, would be equal to a sum of £85,500. Therefore, if the House were to refuse to make this arrangement with respect to the accommodation at Sandhurst, and were to establish the principle that non-purchase commissions should be given away without any test whatever, it would place in the hands of the Commander-in-Chief, without any restriction, patronage to that amount; and I scarcely think that such can be the intention of the House. It must be borne in mind, that if you are to have a competition for 160 commissions, there must be more than 160 persons competing, otherwise it would be no competition at all; and the plan I should propose would provide only 296 cadets for 160 commissions; and if it is wished that the competition should be valid and substantial, I cannot suppose that the number of cadets could be reduced below that amount.

I will now state precisely what I propose with respect to the accommodation. At present the number of cadets at Sandhurst is 189. It is proposed that the establishment should be increased, so that there should be four companies of 84 cadets, comprising altogether 336 cadets, and it is calculated that the additional building, as proposed to the House, will provide accommodation for that number and no more. And even after the additions now in progress should be made, there will still be five cadets to one room of 19 by 21 feet, and the room would be used both as a sleeping and sitting-room. There would certainly be halls for study and meals as well, but the sleeping-rooms, containing five cadets each, would be rooms of 19 by 21 feet. I think that the House will see that this is not a very



excessive or luxurious accommodation, and it, indeed, gives less space than is at present allowed to the students at Woolwich. I believe I have now stated the principal outlines of the proposed plan, and the sum of £10,000 will just suffice for the purpose. The arrangement will be, that persons receiving a non-purchase commission should enter Sandhurst on a qualified examination, should pass a year there, and come out upon a competitive examination. That is the whole extent of the plan I propose, and I trust I have stated sufficient to enable the House to see that it is quite different from the plan proposed last year, being much less extensive and not involving the principle that every officer receiving a commission should pass through Sandhurst. The arrangement is limited to the case of non-purchase commissions, and the obligation of study at a military college and the test of competitive examination are intended as a check on what would otherwise be the unlimited discretion of the Commander-in-Chief in giving away non-purchase commissions. That is a principle hitherto not objected to by this House; indeed, it has been insisted on as a security against the abuse of patronage, and the objections which have been made to the plan appear to rest upon a misunderstanding of the purpose for which the arrangement is suggested. I trust that this explanation will induce the House to go into Committee to reconsider this Vote, and afterwards to agree to it.

There is another question, raised by the hon. and learned Gentleman (Mr. Selwyn) the other night, with respect to the claims of the Universities to take part in the military education of officers. Now, I think that everybody must see that the two great Universities of Oxford and Cambridge can never to any very considerable degree become places for purely military education. I think that they have not appliances necessary for the purpose, and that they cannot undertake to teach the branches of a mere professional education such as the army requires, and such, I may remark, as the navy now requires, because no person can enter the navy who has not passed a year's instruction in the *Britannia* training-ship, which in this respect is an institution equivalent to the College at Sandhurst. I believe, also, that the Admiralty are contemplating to establish a permanent college on shore. Therefore these things should be borne

in mind when a representation is made by any hon. Member that it is an unprecedented thing that there should be a special education of officers; for the principle is acted upon for the navy. With respect to the Universities, I would call the attention of the House to the correspondence on the table respecting the facilities which the War Office proposes to grant to persons studying at the Universities; and I beg to read the following letter from the War Office to the Vice-Chancellor of the University of Oxford;—

“War Office, Jan. 27, 1862.

“With reference to the letter from this department of the 8th instant, I am directed by Secretary Sir George Lewis to inform you that, having had the subject therein adverted to under his further consideration, and having conferred thereon with His Royal Highness the General Commanding-in-Chief, he is of opinion that candidates who may have passed the first and second examinations (called Responsions and Moderations) at the University of Oxford, may, upon certificates being furnished by the Examiners of their possessing the necessary qualifications in the subjects included in those examinations, be exempted from any additional examination of a preliminary character in the same for admission to Sandhurst as military cadets; and I am further to state, that should the candidates from the University exceed the limits of the *maximum* age as at present prescribed (namely, under nineteen years), Sir George Lewis will be prepared, on cases arising, to consider (if necessary) a relaxation of the rule in regard to age for University undergraduates.”

I shall be quite prepared also, in regard to Cambridge University, to enlarge the term by six months. With these explanations, I beg leave to move that the postponed Resolution be re-committed to the Committee of Supply.

MR. SELWYN said, that he had listened with ever-increasing astonishment to the successive speeches of the Secretary for War. He would, nevertheless, confine his observations within as narrow compass as possible. It was difficult to reconcile the speech of the right hon. Gentleman to which they had just listened with those delivered before, and it certainly had left the House in greater obscurity than ever as to the ultimate object of the Government proposal. The House, however, was asked to retrace the first step it had made in the path of retrenchment, and to give up the advantage of the only victory the friends of economy had gained. If that step had been taken in the dark, or that victory had been gained by surprise, there might have been some grounds for the re-

quest. Now, what were the grounds on which the right hon. Gentleman asked the House to reconsider the Vote? His arguments were, in the first place, based on a newly-discovered matter of fact; secondly, on a question of patronage; and next, on the correspondence with the Universities which had been laid on the table. With respect to the first ground, he challenged the right hon. Gentleman to give some explanation why the fact, which if it was not known to himself, at all events must have been known to the Government, and which he seemed to consider so important as to afford a sufficient reason for reviving a discussion of a Committee more full than usual, had not been disclosed to the House until after two discussions and an adverse vote? For what purpose, he should like to learn, were hon. Members to sit night after night discussing the Estimates, if information were to be doled out to them as in the present instance? The fact on which the right hon. Baronet relied must have been in possession of Her Majesty's Ministers when they submitted the Estimates in question, and constituted, he should contend, no good reason for asking the House to reverse the decision at which it had already arrived. As to the question of patronage, he should ask hon. Members for a moment to consider in how guarded and careful a manner it had been dealt with by the right hon. Gentleman. Finding that he could not carry his proposition for the compulsory residence at Sandhurst of all officers, he stated it was to be abandoned for the present, but for the present only, and to a limited extent. But the objection to the reconsideration of the Vote was, that the House would thus be admitting one end of the wedge, and would subsequently be told that a large building having been provided, and the principle admitted, the original plan ought to be adopted. If the right hon. Baronet would inform the House that they were not at any future time to be called upon to resort to the scheme of compulsory education at Sandhurst for all the officers of the army, it would be unnecessary to enter into a consideration of the inadvisability of forcing men at a comparatively early age to confine themselves within the operation of an exclusive system, and to render themselves liable to the contraction of ideas which it was calculated to produce, and which was likely to be obviated by a more open and liberal training.

*Mr. Selwyn*

In abandoning their scheme of forcing education on all alike, the Government would virtually give up the principle on which the Vote under discussion must rest; but in saying that they would not render it compulsory on those who could purchase commissions, while they would insist on it in the case of those who could not, they were making, as it were, one law for the rich and another for the poor. He should ask the House not to be led away by the supposition that there had been any concession made by the Government in the matter since the discussion which took place in Committee of Supply; for one of the main arguments of the majority was, that it was unjust to impose that upon the poor which could not be enforced against the rich.

Then it was said that the adoption of the plan would involve the surrender of patronage. But, notwithstanding, it appeared that patronage was to exist in another form, and that the young men were to be admitted without having to undergo any competitive examination; and the great point the House had to consider was, whether they ought to make it compulsory on parents and guardians to send to one particular establishment all young men intended for the military profession. It had been supposed that since the former discussions the Government had changed their intentions, but, for his own part, he thought the case stood even stronger than before, for it was clear from the speech of the right hon. Gentleman the Secretary for War that the original proposal of the Government was not abandoned, but only postponed. The right hon. Baronet in fact contended that in the case of those to whom commissions were given without purchase, it was right to impose a certain condition, and that into the expediency of that condition the House of Commons ought not to inquire. But in what, let him ask, did the condition consist? It involved not only the proposed instalment for the expense of the building in question which the right hon. Gentleman himself declared to be insufficient, but also a large annual Vote, and in the future a still larger annual expenditure. Could it then fairly be said that it was not the duty of the House of Commons to inquire whether it was wise and just to impose such a condition, and whether that expenditure was called for? For his own part he thought not, and he should with confidence appeal



to hon. Members to say whether any necessity for so large an outlay had been made out.

But, thirdly, the right hon. Baronet seemed to think that the correspondence on the table showed he had made to the Universities considerable concessions. He did not, however, state that he had conceded the principal point in dispute—whether there should or should not be compulsory residence at Sandhurst. That point appeared to be still insisted upon, and with a fatality which seemed to attend all the communications made to the House on the subject, the principal document—namely, the letter dated 6th May, 1861, and which contained the scheme of military education proposed by the University of Cambridge—was not included in the papers laid on the table. Whether that document was referred to as the private correspondence between Lord Herbert and the Vice Chancellor of Cambridge he was unaware; but how it could be considered as in the nature of a private correspondence, seeing that it was signed by the Vice Chancellor and by many other members of the Council of the Senate, and that it had been published in the newspapers, he was at a loss to understand. Be that, however, as it might, in the absence of that document, there was great difficulty in making out the real character of the proposal of the Government from the correspondence as it had been presented. The Universities considered that they had within themselves the means of giving a young man about to enter the army such an education as would fit him to be that which an English soldier ought to be. To effect that object they offered to abridge the time usually required for residence at the Universities, and so to modify their own rules as to render them applicable to the peculiar position of those about to enter the army. Now, he should like to know whether the number mentioned by the right hon. Baronet as at present occupying Sandhurst did not comprise a considerable number of those studying for Staff appointments? [Sir GEORGE LEWIS: That portion of the building occupied by the Staff College will henceforth be devoted for the use of the cadets generally.] But even so, he did not see how the large increase in the number of cadets, which was 170, and which the right hon. Baronet said was to be limited to 336, was accounted for; but what he wished the House distinctly to understand was, that

the Government had not conceded in the present case the free choice of education either at the Universities or at Sandhurst, but that a large number of young men were to be brought to Sandhurst, and to obtain admission to the army only through the medium of a compulsory education there. If, moreover, the House were to reverse its decision, and re-commit the Vote, hon. Members would, after a time, be told that they had consented to the adoption of a system of compulsory examination in the case of those who were unable to purchase their commissions, and would be asked how they could consistently refuse to extend the system to those who were in a position to do so. He did not say that the proper test, whatever it might be, should not be applied, or that the examination should not be as stringent or as professional as they pleased to make it; but he contended that they should not limit to one place or to one set of persons the acquisition of that knowledge which was necessary to pass that examination and to comply with that test. That was the principle upon which the Committee had acted, and he trusted the House would not now, especially in the absence of a satisfactory explanation from the Secretary for War, suffer itself to be induced to reverse the decision of the Committee. Such were the reasons which compelled him to meet the Motion of the right hon. Gentleman the Secretary for War with a direct negative. The grounds upon which he did so were—first, that by agreeing to the Motion of the right hon. Baronet the House would sanction the principle of compulsory examination of the whole of the officers of the army; and, secondly, that there had been no necessity shown for the proposed expenditure of public money. He confidently anticipated the support, not only of those who were pledged to a policy of economy and retrenchment, but also of those who desired to preserve inviolate one of the most important functions of the House of Commons—namely, a real and effective control over the public expenditure.

Mr. BERNAL OSBORNE: Sir, I think the House is now realizing the inconvenience, to say the least, of being called upon to discuss the enlargement of a public military college before we have had an opportunity of hearing Ministers propound their scheme of education. To-night, for the first time, the right hon. Gentleman the Secretary for War has

given us a description of his scheme, but we have had no opportunity of considering it, far less of entering into a debate upon it. I well remember the circumstances under which the Vote was agreed to last year. At midnight, on the 25th of June, no plan was propounded as to what the scheme of education should be. A hint was given on the subject, and I understood that all candidates for commissions in the army were expected to go to Sandhurst for one year. The details of the scheme were not stated. Upon that occasion, indeed, two Motions were made for reporting progress, and the Committee was rather hurried into a Vote upon the subject. I did not join in the division myself, because I felt there was no plan before us upon which we could vote; and I must say that, in my opinion, we were treated to a little sharp practice. At the same time I do not go so far as to say that there has been any breach of faith, because I do not believe that such a charge can fairly be brought against the late hon. Under Secretary for War; but it certainly is a fact that the right hon. Gentleman the present Secretary for War—perhaps owing to the circumstance that he has been thinking more of the *Astronomy of the Ancients* than of the duties of his office—has not until to-night given us any explanation of his scheme of military education. To-night, however, he has favoured us with a clear statement, and I, who am not fettered by any previous vote, am happy to come to the consideration of the subject. I cannot agree with the hon. and learned Gentleman who has just spoken that this question is one of economy and retrenchment. We have to deal with a scheme intended for the benefit of our military officers, and I think it would be ridiculous cheese-paring to treat it upon economical considerations alone. The real question before us is, will all classes of officers be benefited by the new scheme of education? I have no hesitation in saying, for one, that I think the scheme, as propounded by the right hon. Secretary for War, will be highly beneficial to the officers of the army. When the hon. and learned Gentleman opposite says that all officers are to be compelled to go to Sandhurst for one year, he does not give a correct representation of the scheme. The right hon. Secretary for War has told us that all first commissions, which are now in the patronage of the Commander-in-Chief, are henceforth to be

*Mr. Bernal Osborne*

thrown open, and that his Royal Highness, in return for the great benefit thus bestowed upon the army, will be satisfied if candidates for commissions without purchase are required to pass a certain time at Sandhurst. I think that is a great advantage for those gentlemen and the service in general. What is the case now? The examination which an officer has to undergo has nothing at all to do with his professional duties. Running into the extreme of competitive examinations, we ask a man a parcel of useless questions, no way connected with his profession; and the consequence is, that an officer goes to his regiment, whether with or without purchase, without any special military training, unless he has been at Sandhurst. For a considerable period, of course, such an officer is of no possible use to his regiment or to the service. Take a cornet of cavalry on first joining his regiment. He may be the best classic or the best mathematician in the world; but if he has not learnt to ride, or acquired a knowledge of his drill, he is of no use as a cavalry officer. If you send a cornet to Sandhurst, he will acquire a special military training, and after he leaves the college he will be able within a week to do regimental duty. I look upon that as a great advantage. It is not for me to say that the hon. and learned Gentleman opposite has any particular object in view, but he is the representative of Cambridge University, and we all know that Cambridge University likes to get as much grist to its mill as possible. I have been at Cambridge myself, and I know the great anxiety they have there to make their net so as to catch everybody and everything. Let us see what has been the result of the institution of Sandhurst. Important evidence has been given upon that point. The Committee on the Organization of the Army was probably one of the best-constituted Committees ever selected by this House. ["No."] An hon. Gentleman says "No;" but I defy him to put his finger upon any Member of that Committee who had not special knowledge of the subject of investigation. I hold in my hand the evidence given by a right hon. and gallant Gentleman opposite who, whether we regard his great general knowledge, his sound judgment, the clearness of his perception, or his special acquaintance with the army, must be considered as good an authority as any to be found in the United King-



dom. I allude, of course, to the right hon. and gallant Member for Huntingdon. General Peel told the Committee that the result of that military training at Sandhurst would be to make young officers at once fit for duty in their respective regiments. The acquisition of such gentlemen would be a very different thing from that of a parcel of young men from Oxford and Cambridge, who are not always the best recruits for regiments, for the same reason which induces a riding-master in the cavalry to look upon a post-boy with dismay—namely, because he has to unlearn a great deal. Many gentlemen from Oxford and Cambridge join full of classics and mathematics, but knowing nothing whatever of special military duty, except what they have got by cramming—a sort of information which, if it is speedily acquired, is also speedily forgotten. It is for the interest of the army we should have officers with some special military knowledge. The British army is the only army in the world in which men join their regiments unable to do duty at once. We have heard a great deal of officers being separated from the rest of the community, and one would suppose that the right hon. Gentleman the Secretary for War was going to require every officer to remain at Sandhurst for three years. The fact is, however, that the student is to go to Sandhurst when he is between sixteen and seventeen years of age, and to remain there for one year. So far from thinking that a disadvantage, I regard it as one of the greatest advantages which could be conferred upon the army. There is another point which ought to be considered. General Peel was asked by the Committee on the Organization of the Army whether he thought, supposing no admission to the army should take place until after the young man had passed through the college, the purchase system could continue. His reply was that, in his opinion, the natural consequence would be to do away with the purchase system altogether eventually. I commend that statement to the serious attention of those who are opposed to the purchase of commissions. It suggests a very material consideration for this House. Do not let us run away with the idea that the Secretary for War proposes to do something which is wrong and unconstitutional. The right hon. Gentleman, no doubt, is open to the charge of carelessness in

having so long deferred an explanation of his scheme of education; but what we have now to consider is, whether that scheme is a good or a bad thing for the British army. I am prepared to vote for it as an experiment, and I trust the House will support the right hon. Gentleman in the Motion which is now before us.

GENERAL PEEL said, that there was hardly any Member in that House whose attention had been more closely directed to the question of admission into the army through the Military College at Sandhurst than his own during the last three or four years. He need hardly say that the question under discussion was not one which should be treated in a party spirit. It was a question in which the interests of the British army were involved, and he had a particular reason for saying that to make it a party question would be, not only very improper, but also very inconvenient. A few years ago many hon. Gentlemen whom he saw opposite entertained very different opinions from those which they held now. When he became Secretary for War in the Administration of the Earl of Derby, he found that his predecessor, Lord Panmure, had established a plan according to which every candidate for admission into the army was required to go to Sandhurst. That plan was actually in operation when he went to the War Office, and it was applied even to candidates for admission into the scientific branches. The only alteration he made was this—having found that a great hardship was felt by gentlemen who were preparing for Woolwich in consequence of the change in the age, he had allowed two additional examinations to take place for Woolwich. What was the consequence? The right hon. Member for Limerick (Mr. Monsell) moved an Address to the Crown, praying that the old practice might be reverted to, and he had a perfect right to do so; he did not approve the plan that had been adopted, and he was perfectly certain, if it had continued to be carried on by his predecessor, the right hon. Gentleman would equally have objected to it. The fact, however, was, that every Gentleman on the other side voted on that occasion against Sandhurst, and those on his side of the House voted for it. The plan laid before him by the Council of Education, when he was Secretary at War, went to this extent, that every person entering the army should pass through a military college. The hon.

Gentleman opposite (Mr. Osborne) was not strictly correct in stating that the plan was entirely approved by the Committee on Military Organization. He had objections to it, because it cast upon every person the necessity of making up his mind whether he would enter the military profession at the early age of seventeen, while some might wish to enter the army at a later period of life. As he now understood the plan of the right hon. Gentleman, the admission to Sandhurst in the first instance would be a qualified admission to the army, and that it would also to some extent diminish the admissions into the army by purchase. The examination on admission to Sandhurst would be equal in severity to that qualifying for a commission in the army; and, after going to Sandhurst, the examination was to be purely professional for those who would obtain commissions without purchase. His hon. and learned Friend the Member for the University of Cambridge (Mr. Selwyn) said it was a hardship for men to have to go to a military college, as if every profession were not in the same position in this respect with the army. All who entered the Navy, the Marines, Artillery, the Engineers, had to go through a professional training. Even the profession to which his hon. and learned Friend belonged had to submit to this rule, although the only test in law was appetite. In point of economy, the man who got his commission by a professional examination was far cheaper to the country than one who must receive pay for six months before he was able to do any duty. As to Sandhurst, again, that might and ought to be made a self-supporting establishment. Sons of officers were allowed to go in at a cheaper rate than other cadets, who were obliged to pay for the difference. His Royal Highness the Commander-in-Chief might have said, "I will give up all these commissions to be competed for, but I shall nominate all the cadets." That would, in point of fact, have been equivalent to retaining the patronage. But, on the contrary, His Royal Highness said, "I do not want this patronage; I wish to get rid of it." But then he thought that, as in the Indian army, the candidates for commissions should pass through a military college. What would be the result if they succeeded by refusing the Vote in not increasing the number of the cadets at Sandhurst? They would not be one whit nearer the adoption of the proposal of

*General Peel*

his hon. and learned Friend—namely, that Oxford and Cambridge should come to compete for direct commissions. They might, indeed, compete even in a professional examination; but what would be said if Oxford and Cambridge were made military colleges? The effect would, no doubt, be to change the course of life of many young men who originally intended to go either to the Bar or the Church. It would be found much easier to obtain a commission than to take a degree. So far as the army was concerned, there could be no hardship in saying that those to whom they were about to give commissions should previously acquire some knowledge of the military profession. Having obtained his commission by a professional test, an officer would be ready at once to join his regiment, and almost to command a company. He hoped and trusted this would not be made a party question, but that they would come to that conclusion which he was perfectly certain would promote the interest and the efficiency of the army.

Mr. H. A. BRUCE said, he was not in so fortunate a position with regard to the question as the hon. Member for Liskeard. He had twice voted on the subject against the Government, but after the explanations given he should, on the present occasion, record his vote in their favour. When the Vote was brought before the House last year, he opposed it on the ground of the scantiness of the information supplied, and because he objected to pass every officer of the British army through an establishment without some security that it would be an efficient one. The Government on that occasion, however, had given the information which was wanting. They had been told that the accommodation to be provided was for 336 young men; and though it was within his knowledge that the accommodation originally provided in Sandhurst was for 405, practically the provision fell far short of what was necessary; and he believed if the requisite accommodation was to be made for students of an advanced age, it was not more than sufficient for the number now proposed to be sent. Then he felt no objection to the end to the object to be accomplished—namely, that of giving a professional education to young men intended for officers of the army for one year, after the termination of their ordinary school education. His objection to the scheme of last year



was, that it was a proposal to pass every officer of the army through one college. The proposition now made by the Government was to limit the number to about one-third, leaving the other two-thirds to be educated as at present, subject to the same condition of passing a test examination before obtaining a commission. He felt the force of the objection to an exclusively special education. He believed that it cramped the ideas, and therefore he was opposed to any system which would compel young men to devote three or four years to a quasi-military education in which they would learn neither strategy, tactics, nor the higher departments of the profession. Such was the system now in force at Sandhurst. But he by no means objected on principle to obliging a young man of sixteen or seventeen to devote one year to special studies. The Duke of Wellington and Lord Hill were obliged to get their military education in a French College, while Sir John Moore and Sir Charles Napier only obtained their military knowledge by passing successively through every single arm of the army. They had seen the evil effects of the want of special training during the Crimean campaign, when young officers were sent out to join their regiments and required to lead men into action without the requisite knowledge for commanding a company. The same evils would happen again if their officers were sent to command without special knowledge of the duties they had to discharge. He should, therefore, under the altered circumstances, support the proposition of the Government without fear of rendering himself liable to a charge of inconsistency because he had opposed the Vote of last year.

LIEUT.-COLONEL W. STUART said, he could not admit that officers who left Sandhurst, although possessed of some military knowledge, were prepared immediately to take the command of a company. They would be expected by the colonels of their regiments to learn their drill in the ordinary way. If Oxford or Cambridge wanted to have military education exclusively in their own hands, it would be quite a different thing. They only asked for a fair trial of their system; and if it failed, another plan might be adopted. He did not know whether riding formed any part of the training at Sandhurst, but he appealed to anybody who had been at Oxford or Cambridge whether that art was not to be learnt there. They were told that the

proposal of the Government would be of great benefit to the army; but he believed the benefit had been exaggerated, while a probable disadvantage had been overlooked. A reasonable apprehension had been felt that as the College at Sandhurst was to be limited to a particular class, officers passing through that institution would enter their profession as marked men, who from poverty or other circumstances could not pay for their commission like their comrades. That might give rise to jealousy, and other feelings inconsistent with the well-being of the service. Then, again, there was the question of expense. Grants like the present began with very small sums, and went on annually increasing. The tendency of such Votes, rapidly to double, and even treble themselves, was illustrated by the remarkable growth of the Estimates of the Educational Department. He hoped, therefore, that the hon. and learned Gentleman would be able to check the proposed expenditure. As to the taunt thrown out against those who were very anxious to save money in small sums, it should be remembered that any attempt to save larger amounts was always met by the cry that it would be detrimental to the public service.

MR. MONCKTON MILNES said, he wished to ask the Government whether it had been absolutely determined that these examinations should be of a competitive nature. It would be a great hardship to young men of inconsiderable fortune if after undergoing a year's special training at Sandhurst they were to be exposed to all the chances of a competitive examination. Things might surely be so managed that the number of admissions to Sandhurst should correspond with the number of commissions to be given. He thought the House hardly understood that the present scheme implied that a number of young men, educated at Sandhurst, would not only have to incur a considerable expense for that education, but would then receive commissions only if they succeeded in a competitive examination. If they should not succeed, it would be difficult for them to recover their position in society, or to repair the loss they would sustain by what would then have been to them a year's perfectly useless training. He believed the feeling of the House was truly expressed when the hon. Member for Liskeard said they were carrying their system of competition too far. Why could

not the education of these young men be so arranged that after going through a probationary year of military instruction they should then have to pass a severe but fixed examination in military subjects? If they failed in that ordeal, they ought to take the consequences of their failure; but they ought not to be exposed to a competitive examination, so uncertain and indeterminate in its nature and results that it was very possible for an able man to fail in one year, and for a very inferior man to succeed in the next. These were hazards to which youths of this particular class ought not to be subjected; and he therefore trusted that the Government would reconsider their opinion in this matter.

LORD HOTHAM said, as the subject was of great interest to the profession to which he belonged, he could not reconcile it with his feelings to give a silent vote upon it. Two distinct issues had been raised—namely, whether a breach of faith had been committed by the Government; and whether they ought to have expended a certain sum of money, which it was admitted they had expended without the authority of the House. The charge of breach of faith had not been relied upon, and it did not appear to him that it afforded any justification for refusing the Vote. It appeared that a certain sum of money was voted last year for Sandhurst College, but all not having been expended, Her Majesty's Government paid the balance into the Exchequer; and the money being now required, this Vote was proposed for the purpose of getting it back. Had there been any breach of faith on the part of the Government, the proper and constitutional course for the House to adopt would have been absolutely to reject the Vote; and in such a state of things he should not have hesitated to concur in that proceeding, leaving those who made contracts to find the means of settling them as best they could, and trusting to the vigilance of the hon. Member for Evesham (Sir Henry Willoughby) to prevent this expenditure from creeping into the Appropriation Act in some other guise. The question, however, was narrowed to this point—whether the gentlemen who obtained commissions without purchase should be required to undergo a military education at Sandhurst. That a military education of some kind was desirable for every officer entering the army nobody denied; and on none could that condition be imposed with more propriety

than on those who received their commissions without purchase. He did not attach any weight to the objection that that particular class of officers, after leaving Sandhurst, would be marked men in their profession for the rest of their lives. Poverty had never been deemed a crime in this country, and he believed there never had been, and never would be, a different feeling entertained towards officers who had purchased their commissions and those who had not, any more than there was a difference made in society between the man who happened to have a large fortune and one who had not. It had, indeed, been suggested that to sanction the Vote would be to permit the introduction of the thin edge of a wedge which would ultimately operate very prejudicially. But it should be borne in mind that no further step could be taken in the way of future grants without the concurrence of the House. The speeches of the right hon. and gallant Member for Huntingdon (General Peel) and the hon. Member for Liskeard (Mr. Osborne) had exhausted this question. Often as he heard the hon. Member for Liskeard address that House, he had never heard him make a speech in so much of which he concurred. If he might be permitted for a moment to refer to himself, he would mention that he had the good fortune to be brought up in a military college. The result was, that the moment he joined his regiment, instead of having all the duties of an officer to learn, he was as competent as he was in two years afterwards to take his place in the ranks as a private, or as an officer to assume the command of a company. Had it been otherwise, he should have been exposed to the necessity of being regularly drilled for two or three months; and he could not but think it desirable that a young officer on joining should be saved from the ordeal of being week after week drilled by the sergeant-major or the drill-sergeant of the regiment. He should, therefore, cordially support the Vote.

MR. G. W. HOPE said, his main objection to the plan had been removed by the explanation of the right hon. Baronet the Secretary of State for War; but he warned the House that it was calculated only for a time of peace, and would not preclude enormous patronage in time of war, and, if carried on under the system and regulations established for Sandhurst in 1858, would inevitably be a failure.

*Mr. Monckton Milnes*



SIR HENRY WILLOUGHBY said, it was quite clear from the speech of the right hon. Gentleman the Secretary of State for War, that progress had been made in the economical administration of the army. That being so, and as there would be another opportunity of discussing the question of education, he thought his hon. and learned Friend would exercise a wise discretion in not going to a division.

Motion agreed to.

Resolution recommitted to the Committee of Supply.

#### SUPPLY.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### NEW ZEALAND.—QUESTION.

MR. ADDERLEY said, he rose to ask the Under Secretary of State for the Colonies, What is the nature of the new plan of Native Administration proposed by the Governor of New Zealand; and whether the Imperial Government will be free from responsibility for the scheme, and from the Military and Civil Expenditure involved in its adoption; and, also, whether the present number of Troops in that Colony is about to be reduced? He had given notice of the question, as that was the last opportunity the House would have during the present Session of considering the whole subject of the military expenditure going on in New Zealand; and that time next year would be too late for any consideration whatsoever of that important question. He wished to have a full statement from Her Majesty's Government of what was being done in that colony. There were 7,000 troops, besides the naval equipment, maintained for local purposes entirely at the cost of this country. In the town of Auckland the British troops formed a considerable portion of the entire population. By a Resolution which the House had adopted a few nights previously, it was decided that for the future the colonies of the country should be responsible for the maintenance of order within their own boundaries. No doubt, in assenting to that Resolution, the hon. Gentleman the Under Secretary for the Colonies attempted to make an exception in favour of those colonies in which the colonists had to deal with native tribes, and New Zealand was so circumstanced; but the hon. Gentleman held out a prospect that immediate steps would be taken

to remove the exception by those colonies having full and unrestricted powers given to their own legislatures to deal with all their own affairs. He wished to know from the hon. Gentleman whether, in inaugurating a new native policy in New Zealand, the Government was taking measures to give effect to that principle? If the Government found themselves in any way impeded by the Act which created the Constitution, he should then desire to know in what manner the Act operated as an impediment, and whether the clause or clauses having that effect could not be repealed. It was essential, he thought, for the interests of the colonists, and of the natives, that the new policy should be left to the responsibility of the colonial administration, and that a term should be placed to the wasteful and bloody system of interference which had hitherto prevailed. The Governor of New Zealand had designed a constitution for the natives, which was now in the hands of the Government. His plan was to map out the territory of the natives into circuits, then to cut them up into village districts. He proposed then to give each village district a native council, to be presided over by the chief, in the presence of the civil commissioner. The circuits were to have councils composed of the heads of the district councils, and the Chief Civil Commissioner was to preside. Sir George Grey proposed to maintain the right of the Crown to the waste lands, and to establish a new system of colonization by Crown grants upon conditions of occupancy and residence. The scheme was more creditable to the ingenuity of Sir George Grey than promising for the peace of the colony. It was also very doubtful whether, if adopted, it would lead to any diminution of the great expenditure of this country in New Zealand. It was difficult to discover from the Estimates the total expenditure in respect of any of the colonies, as the items were scattered here and there. But an approximate estimate might be made by taking the number of troops at present in the colony. The number was 7,000, and at £100 a man, which was the average expenditure, that would be £700,000. But he was informed, in a letter from a leading public man in the colony, that the total cost of the colony to this country was £960,000 a year, added to which there was the cost of transport of troops, stores, and naval establishments, which made a total demand upon the mother

country, from New Zealand alone, according to this gentleman's calculation, of at least a million and a half per annum. That expense, it should be remembered, was the cost incurred in respect of the colony by this country, and was exclusive of the losses arising from the war, which fell upon the colonists, and which could not be less than half a million per annum. The scheme of Sir George Grey would not lessen the burden now borne by this country unless it was provided to transfer the whole legislation and responsibility to the colony, and there did not appear to be any intention or hope of doing that. The plan of mapping out native lands would be a fertile cause of wars, and the local advisers of the Governor had pointed that out to him, as well as the probability that the local councils would be in frequent collision with the Government. But the presence of the Crown Commissioners implicated the Government in all the native legislation, and instituted a double government, which the colony for itself repudiated, saying, "If you do this, it must be your own act, as representing the English Government." Sir George replied that the English Government would be well satisfied if they escaped paying tens of thousands on war, to spend a few thousands a year in civilizing the natives. Even if Sir George Grey held out any hope of decreasing the military expenditure to be borne by the mother country, he still intended for us another expenditure for civilizing the natives, the success of which scheme was very doubtful. Already in New Zealand had Sir George Grey tried his civilization scheme, and had settled military pensioners there; but nothing had been heard of them during the recent war. Again, at the Cape Sir George Grey had induced this country, not only to maintain a complete army, but also to make large Votes for civil expenditure under the idea of civilizing the natives. No one had heard of any successful result from that expenditure, which had been reduced of late by Parliament, and which ought now to cease. He believed that Sir George Grey did not at all contemplate saving any expense to the Imperial Government by this scheme of his. It was stated before the colonial defences committee that negotiations had been going on between the Imperial Government and the Government of New Zealand for six years, to induce the Colonial Government to take on themselves some small share of the expen-

diture, and the result was, that the Government of New Zealand consented to pay to the Imperial Treasury £5 a head for all the Imperial troops in the colony, leaving the taxpayers of this country to pay the remaining £95. But bad as that offer was, even it had not been carried out, and the whole expense of the troops in the colony was paid out of the Imperial Treasury. And the colonists did not even thank us for what we had done. They said, that as the Imperial Government kept in their own hands the government of the Maories, they would not contribute to the support of Maori wars; but that if left to themselves, they would soon find the means of putting a stop to these wars. After all our expenditure on the score of philanthropy and of liberality to the colonists, we found it said in the leading articles of their papers, and the speeches of their leading men, that they did not consider the late war to be either politic or just, and that whenever the subject was discussed here we exhibited perfect ignorance of the origin and merits of the war. When such were the criticisms passed in the colony, he asked the Government whether they would not take that opportunity of putting an end to the existing system. Perhaps the hon. Gentleman the Under Secretary for the Colonies would tell him that the correspondence between the colony and his department on the subject was yet incomplete. [Mr. CHICHESTER FORTESCUE: Hear, hear!] If that were so, the answer was most unsatisfactory; for if the Government were corresponding at all on the details of the plan, if they took any part in this matter, there was an end of the last chance of checking this interminable, bloody, and wasteful policy. He had hoped that the only answer of the Government in reference to the plan proposed would have been, "This is your affair; we have nothing to do with it. We cannot even advise you." But if a correspondence was to go on, he should take an early opportunity of asking the sense of the House upon the subject.

Mr. CHICHESTER FORTESCUE said, that his right hon. Friend was quite correct in supposing that on a former occasion he had, when replying to the Motion of the hon. Member for Taunton, drawn what seemed to be the plain and inevitable distinction between the expenses of maintaining internal order—internal police—within colonies of British origin, and the expenses entailed by the defence



of British colonies against formidable native tribes residing within their borders or upon their frontiers. That seemed to him to be so obvious a distinction that he should have thought the right hon. Gentleman must have felt that the principle which ought to be applied to the one was in the very nature of things inapplicable to the other. The right hon. Gentleman had spoken as if there were something new, extraordinary, and monstrous, in the maintenance by this country of a certain body of troops in New Zealand for the purpose of protecting the colonists against the real and pressing danger by which they were threatened. He would, however, remind the right hon. Gentleman that, whether rightly or wrongly, it was the system which this country had pursued for many generations, and under which New Zealand and other colonies had sprung into existence. The House must not forget that New Zealand was an infant colony, which sprang into existence twenty years ago under the protection of this country, and up to about fourteen or fifteen years ago had obtained an annual Parliamentary Vote towards its ordinary civil expenditure, but which, like other colonies, was now being called upon to contribute towards the maintenance of a military force. With the knowledge which he was bound to possess on this subject, he must say he was startled to hear from the right hon. Gentleman that the colonies of New Zealand not only did not ask the protection of this country, but had denounced the presence of our troops there as an insult and a burden, when the fact was that before the late troubles broke out they had bitterly complained of the garrison having been for several years cut down to a single regiment. The right hon. Gentleman, in support of his view, had quoted the opinions of New Zealand papers and of various gentlemen who, living in the southern island distant from the seat of war, were not personally interested in the protection of life and property from native dangers, but sat upon their seats with as much security as the right hon. Gentleman himself, and who—if any interest were to be imputed to any one in the matter—were interested in the continuance of the existing state of things in the northern islands, because otherwise the stream of emigration might be diverted from the south to the north. He (Mr. C. Fortescue) would ask whether the opinions of those persons were to

be placed in competition with the opinions of the New Zealand Ministers for the last two years, and the great majority of the New Zealand Assembly, who had given their cordial and hearty support to the policy lately adopted by the Governor. It was a mis-statement of the case on the part of the right hon. Gentleman to say that the expensive and melancholy war in New Zealand had been deliberately promoted by the Government. There could be no doubt that the Governor, acting nominally as the representative of the Crown, but really acting in conjunction with his Ministers, did take certain steps against a very talented and active chief, which, contrary to the expectations and opinions of those who advised him, had led to these unfortunate hostilities. The right hon. Gentleman now threatened the Government with very serious consequences if they made themselves responsible for a plan of native administration, which he had been informed had been drawn up by Sir George Grey (the Governor) and his advisers, and which, he supposed, would involve this country in greatly-increased expense. That plan had only been received by his noble Friend the Secretary for the Colonies a few days before the last mail left for New Zealand; but he might state that its object, so far from being what had been supposed by the right hon. Gentleman, was to diminish the risk of future native wars, to offer to the willing acceptance of the natives a system of local self-government, to be worked out mainly by themselves, and in districts not arbitrarily formed, but depending on the tribal divisions of the natives, so as to satisfy that craving for law and order which was one great cause of the King movement. The financial portion of the plan, however, was so incomplete that the noble Duke the Colonial Secretary had addressed a rigid inquiry to Sir George Grey as to the amount of effort and exertion and the extent of pecuniary contribution which New Zealand would be prepared to offer in order to carry out what appeared to be a large and costly system of native administration, and also what the colony was prepared to do towards repaying some of the expenses incurred in the late war. Her Majesty's Government had not committed themselves to any responsibility for any portion of Sir George Grey's plan, or the civil and military expenditure it might entail. They had simply limited themselves to making requisitions for

fuller explanations, which they had a right to expect to enable them to judge of the working of the plan. One part of the plan he (Mr. Fortescue) approved, and it was an essential part of it—that the anomalous system under which the responsible Government in New Zealand had been debarred from the management of native affairs should be put an end to. The Governor had transferred these duties to a responsible department, and he was now acting in regard to the native affairs as in regard to other affairs of the colony. The right hon. Gentleman appeared to have been informed by some members of the Ministry of Sir George Grey that they entertained grave objections to the plan. But the plan had been drawn up, he believed, with the approval of the Governor's responsible Ministers; and it was most inconvenient that any member of that Ministry should instruct the right hon. Gentleman to inform the House of Commons that the plan in question had been condemned and objected to by Sir George Grey's Ministry. The information of the Government was quite different from that placed at the command of the right hon. Gentleman, and was, he trusted, more correct. The right hon. Gentleman wanted to know whether the number of troops at present in New Zealand would be reduced. Until the late unfortunate troubles the garrison of New Zealand consisted only of a single regiment, and he trusted that the policy adopted by Sir George Grey would tend to conciliate the native race, and would supply them with that system of law and order which had long been wanting, and which they had endeavoured to supply to themselves, so that they might revert to a small garrison again. He could not, however, conceive a more short-sighted policy than that which would withdraw the troops prematurely from New Zealand. At that crisis of the relations between the colonists and the native race, when the Government was disposed to make every concession to that race consistent with their own good, it was absolutely necessary that the natives should understand that it was through regard to their welfare, and not through fear of their arms, that Her Majesty's Government were introducing the proposed system. He earnestly hoped that the time would come before long when the troops might be withdrawn, but he hoped the House would support Her Majesty's Government in keeping them there at present.

*Mr. Chichester Fortescue*

Mr. ROEBUCK said, that as time came round they were able to draw conclusions with respect to their past policy which would be useful for the future. He had the honour of a seat in that House when the colonization of New Zealand took place, and he recollected that the question of the aborigines then came under discussion. He startled the House and the Prime Minister of the day (Sir Robert Peel)—who, it was said, had the faculty of assimilating other men's ideas—by saying that experience had shown that wherever the white man put down his foot by the side of the brown man the brown man disappeared. They might put off the moment, but the time would come when the brown man would be extinguished, and the sooner that consummation took place the better. All they did by their pretended humanity was to extend the time in which he lingered in his misery. We began our colonies always by an injustice. What right had we in New Zealand? We put our foot there, we took the land from the natives, and then with a sort of sanctimonious hypocrisy we turned round and said, "We know that we do you an injury, but we will do you the least possible injury." But there were certain persons, missionaries and others, who said, "We will preach the Gospel to those people; we will make them Christians; we will do all except do them justice. If we went away and allowed them to govern themselves and inhabit their own country without interfering with them, we should do them justice, but that we do not intend to do." They might depend upon it, their mode of life, their habits, their thoughts, their European civilization were destruction to the brown man. They signed his death-warrant when they put their foot upon the shore of New Zealand, and therefore they could not pretend to save him from the inevitable destruction which was coming upon him. And now came the right hon. Gentleman and said, "Oh, withdraw your troops; it is a great expense." Why, that expense was the very result of their mock humanity, their hypocrisy. Let the colonists be left to themselves, let them not be troubled with our ideas of justice, and they would settle the matter very quickly. For, what would they do? They would take possession openly and avowedly of the whole colony, and would say to the aborigines, "You must get away, and, if not, we will punish you." But, instead of leaving the colonists alone, they



were attempting to set up a separate system of government from that of the colony; but then it had turned out a failure; it could not continue, and now they were about doing what twenty years ago he had advised them to do. Let there be no pretence, no hypocrisy. They were going to create a new country, a new people, to plant European civilization in the southern hemisphere. By so doing they would utterly destroy the aboriginal population. The people of England would find that the plainest policy was the best. They began with an injustice—they must take the consequence of their evil deed, the evil deed of going to New Zealand at all, which was to destroy the aboriginal race. His words would be called "horrible," "cruel." Cruel they might be, but they were the result of the past policy of the country. They had planted England in New Zealand; the Englishman would destroy the Maori, and the sooner the Maori was destroyed the better.

#### THE ARMY IN INDIA.—QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask the Secretary of State for War, Whether the nine non-purchase regiments are included in the number, Infantry of the Line in India 54,837, and the three regiments of Cavalry in the number, Cavalry in India 7,062; and in whom is the patronage of these regiments to be vested? The reason for his putting the first question was, that the impression prevailed in India that they were paying for a larger number of men than they had. He wished also to hear whether there was any difficulty in obtaining field officers for those regiments. There was also another important question he wished to put—what amount of loss has been incurred by the War Department by fictitious or forged entries of work performed by contract, since the amalgamation of the War and Ordnance Departments; specially, what amount of loss has been incurred in the Dublin case of Hamilton Dinnellan; and whether any steps have been taken to prevent the like frauds in future? He believed that there was great laxity in watching over the performance of public contracts, and he feared that that might account for the loss of a good deal of public money. \* On this point very remarkable evidence had been given by the Director of Works to the Admiralty—a most able officer in his own department—who stated that he had been

called on to certify to matters of contract connected with harbours of refuge, involving an expenditure of thousands of pounds of which he positively knew nothing whatever. When the question was put to him point blank, he stated that there was not the most remote check over these contracts. No doubt there was difficulty in working out contracts in such a way that the public would have money's worth for their money. Some time back, however, the Board of Ordnance was amalgamated with the War Department—a measure as to the expediency of which opinions were divided at the time, and he wished to know what amount of loss had since been incurred in consequence of fictitious, improper, or even forged entries. Within the last few months a painful case had occurred at Dublin, where a clerk in the War Office, named Dinnellan, and a contractor named M'Ilwaine, by collusion succeeded in making it appear, that thousands of pounds were expended which had never been spent at all, and defrauding the public purse to that extent. That afforded additional proof that some audit or second eye was wanting over these contracts; and he trusted the right hon. Gentleman would not only be able to give satisfactory explanations on all these points, but to state that measures had been taken to guard against possibility of similar frauds in future.

MR. E. ELLICE (St. Andrews) said, that before the right hon. Baronet rose he was anxious to ask him another question with respect to the Ordnance survey of Scotland. A map of that country had been promised for the last thirty years; yet they were nearly as far from obtaining it as they had been ten years ago. The representatives of Scotland had been startled and alarmed at hearing, on the authority of Sir H. James, that part of the money voted for the purposes of the Ordnance survey of Scotland had been employed on defence surveys in other parts of the country, and that the Staff had been removed for the same purpose. That was not proper treatment either of Scotland or of the House of Commons. He wished to ask the right hon. Baronet whether the money voted for the Ordnance survey of Scotland would be applied to the vigorous prosecution of that object; and whether the money diverted from that object last year would be restored to its original purpose? It was hard that the Bill for the defences should be made to appear less

than it really was by robbing the Ordnance survey. By a return about to be produced, it appeared that Ireland, which had already a map upon the 6-inch scale, was at that moment having money spent upon the topographical 1-inch survey.

MR. W. WILLIAMS remarked, that although a survey of Scotland had been ordered on the 25-inch scale, which would have been a most costly affair, it had been actually commenced on the 1-inch scale. [*Cries of No, and Six-inch.*] Well, that was very different from a 25-inch survey. But why should that immense amount of money be spent in giving survey of their property to the landowners?

SIR HARRY VERNEY said, that Ireland was surveyed on a 6-inch scale. Had the House, twenty years ago, taken the advice of Sir Hussey Vivian and voted £1,000,000 for the purpose of a survey of the kingdom, millions of money since spent on the tithe map, the main drainage maps, and other independent surveys, would have been saved to the country.

SIR GEORGE LEWIS said, that in answer to the first question of the hon. Member for Evesham (Sir Henry Willoughby) he had to state that the nine non-purchase infantry regiments and the three cavalry regiments were included in the number shown in the Army Estimates as being on the Indian establishment. The hon. Member also asked, whether the licences for competing for the first commissions in those regiments were granted by the Commander-in-Chief. The commissions would be competed for by the students at Sandhurst after residence there for one year, with the exception of twenty Queen's cadets, who would not be subjected to a competitive but to a qualifying examination. With regard to the second question, relative to the Ordnance frauds, it was true that a sergeant, engaged as a clerk in the Engineer Office, and another person, had been engaged in certain fraudulent transactions; but those persons were not officially connected with each other. The frauds amounted in value to £23,000, and extended over a period of thirteen years, having been commenced in 1848; but it was quite clear that they were not in any way connected with the consolidation of the Ordnance and War Departments. Effectual steps had been taken for the prevention of similar frauds.

With respect to the endless Ordnance survey, he could only say that he retained individually, though not officially, the opi-

nion he had long entertained, that it would have been far better if the Ordnance map had been limited to a 1-inch scale instead of the 6-inch or the 25-inch scale. But the House decided otherwise, and he felt it his duty officially to acquiesce in the decision. In reference to the complaint that Ireland, having already a map on a 6-inch scale, was now going to get another on a 1-inch scale, he could only say that a 6-inch scale was of no use at all. It was too small for the purposes of survey, and too large for a mere map; and therefore he did not grudge Ireland the formation of a useful map. A question had been asked respecting the Scotch survey, and in reply he had to say that he understood that in 1860 a sum of £5,000, allotted to the prosecution of that survey, was diverted to carrying out some plans for fortifications in the south of England. That was done after deliberation by his predecessor in office; and as the transfer had been made, and he presumed, sanctioned by the Treasury, it was impossible to refund the money, as the hon. Member for St. Andrews suggested. With respect to the Vote this year no specification was made. It was taken as a gross sum for the survey, and how much would be allotted to Scotland or England would depend upon considerations of convenience.

#### THE "VICTORIA" TROOP SHIP.

##### OBSERVATIONS.

SIR JOHN PAKINGTON said, before the right hon. Gentleman left the chair he wished to call the attention of the noble Lord the Secretary to the Admiralty to the statements which had appeared in the public newspapers respecting the return of the *Victoria* transport with the 96th Regiment on board, being a second time disabled and unfit to perform her voyage to Canada. He wished to know whether the statements in the newspapers were correct; and, if they were, he thought the noble Lord himself would feel glad of an opportunity of offering that explanation which the general opinion of the House and of the country deemed to be necessary. It would be in the recollection of the House that at the time when reinforcements were sent out to Canada the *Victoria* transport was despatched with the 96th Regiment on board; but no very long time elapsed before she returned to Plymouth, having been completely disabled, and rendered unable



to carry the regiment to their destination. Moreover, he believed that he was not overstating the case when he said that it was most providential the vessel did not founder at sea, and that the whole of that valuable regiment was not lost in consequence. It was within his personal knowledge that several of the military officers formed the worst opinion of the capabilities of the *Victoria*, and were strongly disinclined to be sent to sea again in that vessel. He had addressed privately to his noble Friend the Secretary to the Admiralty an inquiry whether that Board intended to send out the *Victoria* again with the 96th Regiment, and whether the vessel was in a fit state to convey troops? Subsequently to that a public inquiry on the same subject was made by an hon. and gallant Officer in that House. The noble Lord the Secretary to the Admiralty, in answer, made, both privately and publicly, the most distinct statement that the Admiralty had taken all possible means to ascertain that the *Victoria* was in every respect fit for the voyage she was about to undertake; and he added that she had been surveyed by proper officers deputed by the Admiralty, and that the report sent to the Admiralty in respect to her was such that the noble Lord, himself a competent sailor, felt that there was no objection to sending the *Victoria* to sea. She accordingly went out again with the 96th Regiment, and, from what he saw in the public newspapers, it appeared that she was not three days at sea before she became a second time disabled, her engines failing, water filling her hold, and the vessel suffering injuries in a variety of ways, so that it was only by bearing up to the island of Fayal that her safety was secured. Under these circumstances, he thought some explanation was due to the House, and he therefore asked the noble Lord whether the statements in the newspapers were correct; and whether or not the noble Lord could, on the part of the Admiralty, assure the House that some steps would be taken with regard to the Report made by the officers who surveyed the ship, so that, hereafter, reports on such matters might be deemed more trustworthy than the Report could in that instance be regarded?

LORD CLARENCE PAGET said, it was impossible to overrate the importance of the question put to him, or for one moment to suppose that the Admiralty

would neglect any possible precaution to ensure the safety of the gallant troops going from this country across the Atlantic. The story of the *Victoria* was, in truth, a very unfortunate one. That vessel, after originally putting to sea, fell in with a tremendous westerly gale of wind, and from no fault of her own, but because the engines were not powerful enough to enable her to make head against the gale, and because her coals had run short, she came back to Cork, for the purpose of replacing the coals. The admiral at Queenstown, hearing that there was a certain amount of alarm among the military officers, who thought the vessel not altogether seaworthy, manifested every anxiety that the *Victoria* should be sent out in a perfectly seaworthy condition. He consequently instructed the artificers of the ships then lying in Cork Harbour to make a very careful survey of the vessel; and, inasmuch as there had been much blame thrown on the Admiralty for sending out that vessel again, he thought the House would permit him to read the report of the condition of the vessel made by the surveying officers on the occasion. The surveying officers were the captain, the chief engineer, and the boatswain of Her Majesty's ship *Revenge*, and the master, chief engineer, and carpenter of Her Majesty's ship *Hawke*, the naval storekeeper and the superintendent dock-keeper, and they reported that they had been on board the steam transport *Victoria*, and had inspected her hull, rigging, sails, and had not found her defective. They also had the vessel tried under weigh and under steam. Her engines worked very well, her boilers in every respect were in good condition, the boilers got up steam very easily; her engines made 58 revolutions, the mean vacuum being  $23\frac{1}{2}$ , and the ship made 11 knots. They added, "We are of opinion that the ship is in good trim and in a fit state to cross the Atlantic." That was one report; but Admiral Smart, being anxious that no pains should be spared to secure the ship being in good order, caused the carpenters of the squadron to go on board the ship to try her below, to examine her rivets and other portions of the vessel. They reported that they had carefully examined the state and condition of the hull; she was an iron vessel, built in compartments, and they tried the well in every compartment, and that the greatest quantity of water was

two inches. They tried the rivets, and found them perfectly tight, and they were of opinion that she was a strong built vessel, capable of crossing the Atlantic at any time of the year. The vessel proceeded to sea again, and fell in with a succession of hurricanes so dreadful that he (Lord Clarence Paget) believed the like had rarely been known by any seamen who had crossed the Atlantic. It was almost heartbreaking to think of the dreadful losses that had occurred in that succession of hurricanes. He had the log of the vessel in his hand. She sailed the 14th of February from Queenstown. On the 15th there was a moderate gale, with rising sea, which went on increasing until the 18th at 3.30 p.m., on which day there was "a fearful gale." At midnight of the 19th there was "a terrific gale, with furious storms of snow." On the 20th two men fell overboard. At 1 a.m. the gale increased to a hurricane, and the ship became perfectly unmanageable. At 5 a.m. there was "a furious hurricane, accompanied by vivid lightning;" at 11 a.m. a sea struck the ship and stove the bulwarks on both sides, washing away the troops' conveniences. Afterwards the wind moderated a little. On the 22nd, the eighth day, the wind came on again with a strong gale and squalls; and on the 23rd, the ninth day, the engines gave out. So that the vessel had encountered these furious gales during nine days without accident to her engines or leakage. The wind again increased to a strong gale. At 5 p.m. on the ninth day it was found that the ship was making water; and to the end of the story it was nothing but a succession of gales and hurricanes. The vessel must have encountered weather which he believed to have been altogether unprecedented. Many vessels had suffered severely, and the Government had lost a fine steamer called the *Trojan*, freighted with stores. Part of the crew of that ship were picked up by an American vessel, the captain and crew of which stated that during twenty years they had not experienced such weather as prevailed in the Atlantic during the month of February and the beginning of the present month. Under those circumstances, and seeing that the *Victoria* withstood that awful hurricane for nine days without any serious disaster, there could, he thought, be no doubt that she was perfectly seaworthy and quite fit to cross the Atlantic. He was bound, however, to say that in

*Lord Clarence Paget*

consequence of the disasters which had befallen her, and her engines being very much shattered, she would not be employed again. It was impossible for him, however, to quit the subject without congratulating the House upon the noble conduct of the troops. During the whole period that the vessel was at sea, Colonel Scobell, the officers, and troops behaved admirably. They assisted in baling the ship and clearing away the wreck. They never gave way to despair or despondency, and in truth it was owing to their exertions that the ship was saved. He hoped that after his statement the right hon. Baronet would be satisfied that the disasters which had occurred to the vessel were such as it was impossible to foresee or to guard against, and that all they could do was to be thankful that their gallant soldiers had returned in safety.

SIR GEORGE LEWIS said, the regiment in question was divided—one wing of it had already arrived at Halifax, and the other wing was on its way to Canada. Looking at the unfortunate result of the second attempt, the War Office had decided not to order the second wing to cross the Atlantic again, and the wing that was at Halifax would be ordered to return to this country.

*Motion agreed to.*

Supply considered in Committee.

#### SUPPLY—ARMY ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

Re-committed Resolution, reported 10th March, read as follows:—

"That a sum, not exceeding £667,168, be granted to Her Majesty, to defray the Charge of Barracks at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive."

(1.) "That a sum, not exceeding £677,955 be granted to Her Majesty, to defray the Charge of Barracks at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive."

MR. W. WILLIAMS said, he wished to call attention to the enormous outlay under that head. There was also a sum of £550,000 for hospitals. He would not grudge any amount that might be necessary for that purpose, but he could not but think the sum a large one.

SIR GEORGE LEWIS said, the Vote had already been discussed; and the only thing that had been postponed was the Vote for Sandhurst. As to the item for



barracks he could only say that the accommodation asked for had been thought necessary. A great diminution in the mortality of our troops had been effected in the course of the last few years, and that was, doubtless, owing to the improvement which had taken place in our barracks.

SIR FREDERIC SMITH said, he wished to know what was the meaning of the item of £2,000 for erecting a trial hut at Hong Kong?

SIR GEORGE LEWIS said, the item to which the hon. and gallant General referred was for the purpose of making an experiment in the construction of a species of barrack at Hong Kong which should be simple and cheap. Money with that view had been voted last year, but had not been expended. The item was therefore merely a re-Vote.

MR. AUGUSTUS SMITH said, he had to complain that the nature of the course of instruction to be pursued at Sandhurst had not been submitted to the notice of the House, although it had last year been stated by the hon. Gentleman then Under Secretary for War that it was awaiting the signature of the Sovereign. He also wished to know how admission to Sandhurst was to be obtained, because if it were by nomination, the patronage of the Horse Guards, so far from being diminished, would be considerably increased by the proposal of the Secretary for War. Another point on which he should like to have some information was whether the period of the residence of cadets at Sandhurst was to be limited to one year?

COLONEL W. STUART said, he wished to know if the new Indian regiments were to remain permanently non-purchase corps? He asked that question because the military train, which had been started on that footing only three years ago, had already, to some extent, become a purchase corps. He begged also to ask what would be the expense of the education at Sandhurst to the sons of civilians?

SIR GEORGE LEWIS said, he had not held out as an inducement to the Committee to assent to the Vote under discussion the circumstance that new regulations as to non-purchase had been introduced. He had simply stated it to be the fact that certain alterations in that respect had taken place; he might add that the arrangements which had been made in concert with the Indian Government in reference to the subject were intended to

be permanent. Twelve regiments, nine of infantry and three of cavalry, had been converted from the old local force into Queen's troops, the commissions being non-purchase commissions, and that was the state of things to which the present mode of admission into the army was sought to be adapted. With respect to the mode of admission into Sandhurst, he might state that the age at which cadets were formerly admitted was thirteen, those who passed a certain examination obtaining a commission without purchase at sixteen. All nominations to the college, moreover, were made by the Commander-in-Chief, and the number of cadets was at least 405. [An hon. MEMBER: 412.] Under the proposed system the nominations would also be made by the Commander-in-Chief, and the question was, under what conditions they were to take place? A cadet would, in the first instance, be required to pass a qualifying examination on his entering Sandhurst if he had not gone through certain degrees at the Universities, and at the end of a year would stand a competitive examination, in which if he succeeded he would obtain his commission without purchase, merely paying £100 for his year's residence. He might in passing observe that the *ad captandum* argument used by the hon. and learned Member for the University of Cambridge (Mr. Selwyn) to the effect that the proposed scheme would operate as a great hardship in the case of poor candidates for the army, while it would be favourable to rich, had no good foundation, inasmuch as the regulation price of a commission was £450, while under the new system of non-purchase the poor man who was nominated to Sandhurst would have to pay only £100, the cost of his residence there. If at the end of a year he did not succeed in passing the competitive examination which he would have to undergo, he would be allowed six months more to take another chance, when, if he failed, it would be still open to him to procure a commission by purchase, although he would lose the benefit of his residence at Sandhurst. The Committee, in considering the subject, must not, however, overlook the fact that although they were asked to vote a considerable sum for the maintenance of cadets at Sandhurst, they received a payment in return, as would be seen by a reference to page 189 of the Estimates, to the extent of £11,218, which sum was placed to the credit of the Exchequer in 1861, under the head of "Con-

tributions of Gentlemen Cadets at the Royal Military College." The salaries of the Staff formed really the sole outlay voted by the House, because the expenses of the cadets were in fact defrayed by themselves and were paid into the Exchequer. He trusted that under these circumstances the Committee would agree to the Vote.

MR. WHITESIDE said, he did not think the right hon. Gentleman had given altogether a satisfactory explanation. It was necessary of course that men should qualify for the position of officers, and the more thoroughly that was done the better it would be for the service; but he could not understand why those who got their commissions without purchase should be subjected to a compulsory system of education, while those who bought their commissions could obtain their education where they chose. If an exclusive and compulsory system was desirable, why should it not be extended to the one class as well as the other? He fully agreed with the right hon. Gentleman that special military training was essential; but it might be procured elsewhere than at Sandhurst. Some of the best officers in the army came from Eton. The Vice Chancellor of the University he had the honour to represent very justly said that the Government system must have a tendency "to lower the intellectual culture of the army generally, by depriving it of the higher education which the Universities supply, and, at the same time, to engender that narrowness of mind which is the ordinary result of all exclusive professional training." On free-trade principles a man should be allowed to get his education in any way he chose, and he could not understand why a liberal education should not be an excellent preliminary to the goose-step and parade drill.

VISCOUNT PALMERSTON reminded the right hon. Gentleman that the education at Sandhurst was purely military, and that, in order to obtain admission there, a young man must undergo a preliminary examination to prove that he possessed a sound general education. Therefore so far from superseding, the arrangement rather favoured University education, because a man who had gone through such a course would be more likely than another to get admission to Sandhurst.

MR. WHITESIDE remarked, that there were classes for engineering and other branches of military science at the Universities.

*Sir George Lewis*

SIR HARRY VERNEY said, he approved the present system. It was a complete mistake to suppose that those who got commissions without purchase were treated with less respect than those who paid for them. He was sorry to hear that the time to be spent at Sandhurst was to be limited to one year. He did not believe that any officer, not even his noble and gallant Friend opposite (Lord Hotham), could qualify himself for the command of a company in so short a period. It was very desirable that a certain number of officers should be trained in a military college, so as to be fit to perform their duties as soon as they joined their regiments.

MR. LEFROY observed, that the Universities did not seek to engross the whole training of military officers, but only to supply them with the elements of a sound liberal education. He believed, however, that the special education for military purposes which officers would receive at Sandhurst would be a great advantage to them, and therefore he would support the grant.

SIR FREDERIC SMITH said, he wished to observe, in reply to a statement of the hon. Baronet the Member for Buckingham (Sir Harry Verney), that during the whole Peninsular war officers of the Artillery and Engineers entered upon their duties after only one year's training at Woolwich, and he believed that period would be found sufficient for officers at Sandhurst. He did not believe that henceforward officers who might pass through Sandhurst would be looked down upon in the army merely because they had not purchased their commissions.

MR. NEWDEGATE said, he wished to know how far the system of non-purchase of commissions was intended to be omitted or to be extended in the army of India, as well as in the army of this country?

SIR GEORGE LEWIS said, that when the question of the amalgamation of the Imperial and of the Indian armies was before Parliament, the regulations with respect to the non-purchase system in India had been frequently made the subject of discussion. His belief was that there were no regulations in force with regard to the sale of commissions in that country.

COLONEL W. STUART said, he wished to know whether an exchange would be allowed from a non-purchase into a purchase regiment?

SIR GEORGE LEWIS said, that an



officer might exchange from a purchase into a non-purchase regiment, but he did not see how such a thing would deprive a regiment of its character of being a non-purchase regiment.

MR. AUGUSTUS SMITH said, he would beg leave to ask whether any further Votes would be wanted to complete Sandhurst, so as to enable it to accommodate 336 cadets? He also inquired why the plans and regulations relative to military education which were promised last Session had not been laid on the table?

SIR GEORGE LEWIS said, he had every reason to believe that no further Vote would be required for building purposes, though he would not undertake to say that an additional sum would not be wanted to complete the internal accommodation of Sandhurst. The plan of military education announced last year had not been produced, because it had been abandoned and a new scheme substituted in its place.

MR. BERNAL OSBORNE asked the right hon. Gentleman to explain which was the old scheme and which was the new?

SIR GEORGE LEWIS stated, that according to the plan of last year, every officer entering the army was to pass through Sandhurst. The Government had since decided not to act upon that plan, but to adopt the more limited one which he had described that night, and by which only those officers who had not purchased their commissions were to pass through the Military College. He had no objection to lay the new scheme before the House.

MR. W. EWART said, he had observed with pleasure that sums of £4,000 and £3,000 were asked to establish soldiers' reading-rooms and gymnasia. He trusted that the right hon. Gentleman would further extend the system of reading-rooms for soldiers. He also hoped that in addition to the employment and instruction of soldiers and their children in trades, he would cause inquiry to be made into the system and results of employing French soldiers in the cultivation of vegetable gardens, or other cultivation of the land.

SIR GEORGE LEWIS said, that the sums proposed for gymnasia and reading-rooms for soldiers were certainly not of any considerable amount, but they were as large as the Government then felt justified in asking the House to grant. It should

be remembered that it was the multitude of the items in the Military Expenditure rather than the magnitude of any particular charge which raised the Army Estimates to so considerable a sum. The present Vote showed, at all events, the willingness of the War Department to make an advance in that direction. The item for teaching soldiers trades, was an experiment adopted at Aldershot on the recommendation of an officer who visited the camp at Chalons, and the system, if successful, might be introduced elsewhere. The same officer had reported in favour of gardens, but it had not been thought advisable to ask for any Vote at present.

SIR MORTON PETO observed, that a sum of £30,000 was asked for sanitary purposes, without any specific explanation being given of the sort of works to which it was to be applied.

SIR GEORGE LEWIS said, the Vote consisted of a great variety of details which it would be impossible to explain within moderate limits.

COLONEL W. STUART said, he wished to know under whose control the Vote would be expended?

SIR GEORGE LEWIS said the expenditure of the Vote would be entirely under the control of the War Office. It was intended for the detailed improvement of barracks, and it was impossible to give a more specific description of its destination; it would be as easy to specify contingencies. There were a number of small improvements required for the health of soldiers in military barracks in this country, and this Vote was proposed with that view. If the sum taken proved too large for the purpose, it would not be expended.

SIR HARRY VERNEY observed, that nothing was more economical than taking means to preserve the health of the soldier. The improvements which had recently been effected tended very much to reduce the death-rate.

SIR MORTON PETO said, he could not understand what the sum of £30,000 was required for. Nothing could be more important than to preserve the health of the soldier; but it was not satisfactory merely to be told that so large a sum was to be applied in a general way to sanitary purposes without details.

SIR FREDERIC SMITH said, there was no point which gave the Secretary of State for War more trouble than the sanitary improvement of the army. He un-

derstood, however, that the Vote was necessary in order to carry into effect the sanitary improvements in various barracks which had been reported on by a Commission presided over by Dr. Sutherland; drawings having been furnished of the improvements in every instance. It was his belief that the sum of £30,000 would go a long way in carrying out the improvements required.

COLONEL NORTH said, he knew that the whole of the medical officers of our army felt justly affronted at seeing a civilian placed at the head of the sanitary commission. The military medical men were a most distinguished body, and he thought that their feeling on the subject was quite natural. He wished to know whether Dr. Sutherland's salary was included in the £30,000.

MR. BERNAL OSBORNE said, that the hon. Member opposite spoke of drawings. Now, the drawing to which he objected was that drawing of £30,000. The Vote, he thought, did not stand on satisfactory grounds. Let the right hon. Gentleman state what it was for. Besides that item there were distinct charges made for barrack improvements. "Sanitary purposes," like the word "contingencies," which appeared lower down, might mean anything. He had no wish to give a factious Vote, but it appeared to him to be a better course to postpone this Vote until they had more satisfactory details respecting it.

MR. T. G. BARING said, that this sanitary Vote was one in which the late Lord Herbert took especial interest. Its origin was a Resolution of the House of Commons proposed by the present Lord Fortescue, and agreed to without any opposition. It had been found that soldiers in the prime of life were dying in consequence of the defective ventilation of barracks; and if not as a matter affecting the humanity, the honour, and the credit of the country, yet even from motives of economy, it was desirable that there should be perfect ventilation and perfect drainage in those buildings. Nothing was more expensive than a well-trained soldier. The late Lord Herbert himself visited many barracks, and noticed their defects in a sanitary point of view, and he joined in many of the detailed reports which the Sanitary Commissioners presented from time to time regarding the health of the troops. Dr. Sutherland, one of the Commissioners was a very high authority upon

*Sir Frederic Smith*

such subjects, and reported upon the sanitary condition of the army in the Crimea. It was for the purpose of carrying out the recommendations in what were termed the "interim" Reports of the Commission that £50,000 had been voted for the last two or three years; but in consequence of various improvements having been effected, the Vote had been reduced to £30,000. Nothing was more capable of proof than that improvements in the ventilation and sanitary arrangements, of the cavalry barracks especially, had diminished the loss of life. If £50,000 had been wanted, he was sure the Committee would have cheerfully voted it, for he was certain, that if there was one single Vote which the House and the country would not wish to see diminished, it was this particular Vote for improving the sanitary condition of the army.

SIR MORTON PETO said, he was glad he had put the question, because it had elicited a satisfactory answer.

MR. SALT said, he desired to ask the object of a Vote of £3,000 for Hospitals?

SIR GEORGE LEWIS said, it was for the wives and widows of soldiers.

MR. SALT said, he had seen a letter in *The Times* of that day, headed "Starving Needlewomen." He wished to know whether the right hon. Gentleman had any idea of employing women in connection with army clothing; and whether the wives and daughters of soldiers could not be so employed? It was not a new suggestion. The subject had been mentioned in the life of Sir Charles Napier. In raising the condition of the wives of soldiers they would also be raising the condition of the soldiers themselves.

SIR GEORGE LEWIS said, it was impossible for the Government altogether to overlook mercantile principles. They must consider the value of an article in the market, and could not make contracts on a basis of mere charity. If once they considered the supply of the army as a means of improving the condition of distressed persons, he hardly knew where they would stop. But the War Office had, nevertheless, made some contracts at slightly increased prices with certain societies which employed needlewomen.

MR. MONSELL asked, whether the examination at Sandhurst was to be a competitive examination for young men entering or for young men leaving the college?

SIR GEORGE LEWIS said, he had



already stated that there was to be an examination on entering, to show that the young men were qualified; but on leaving the examination would be competitive, in which more would compete than would obtain commissions.

MR. MONSELL said, according to the proposed system for Sandhurst, the patronage of the Commander-in-Chief instead of being diminished, would be increased. The professed object had been to prevent the Commander-in-Chief having an increased amount of patronage in consequence of the amalgamation of the Indian army and the army of this country. Every one who had studied the matter must be aware that the competitive system for the Artillery and Engineers had succeeded, and that there had been an enormous improvement in the young men who had entered those corps. If they wished to prevent the Commander-in-Chief having more patronage, why was that plan not adopted at Sandhurst? He regretted that there was no mode by which to obtain in Committee an expression of the opinion of the House upon the subject.

VISCOUNT PALMERSTON said, he thought that his right hon. Friend must have very strange notions as to what patronage was. He apprehended that his right hon. Friend had been in office for very little purpose if he were so perfectly ignorant of the nature of patronage. His right hon. Friend asserted that the plan proposed gave more patronage to the Commander-in-Chief. What was the patronage which the Commander-in-Chief had before and which he now abandoned? It was the power of giving positively to A, B, and C commissions without purchase. It was a patronage of some value, because that which was granted was a positive gain to the individual and a certain possession. What was the present system? The Commander-in-Chief abandoned the power of positive appointment, and there was substituted for it the power of nominating young men to Sandhurst with the chance of their getting commissions by their own exertions, and having in the interval to pay £100 for maintenance. It was quite clear that, as the number of candidates was greater than the number of commissions, the extended patronage amounted to this—the nomination of a certain number of young men, of whom

a certain number would surely be disappointed, and the rest, who were not disappointed, would achieve the object of their ambition by their own exertions and at a certain expense during the period of their being at Sandhurst.

MR. MONSELL said, there were a certain number of their constituents who were seeking for appointments, and who were just as much obliged to them for getting them nominations as places. The Commander-in-Chief now had three nominations for competitive examinations, instead of one direct nomination to a commission.

LORD STANLEY said, he would ask what number of young gentlemen entering Sandhurst would obtain commissions in proportion to the number of competitors?

SIR GEORGE LEWIS said, it was reckoned that there would be 296 candidates for about 116 commissions.

COLONEL NORTH said, that every officer of Artillery he had spoken to had given a directly opposite account of the officers who entered the army under the present system to that given by the right hon. Member for Limerick (Mr. Monsell). Nothing could be more disgraceful than the recent occurrences at the Military College at Woolwich. There was neither the same *esprit de corps* nor the same military discipline as under the former system. He only hoped that under the present system such officers as Sir Harry Jones, Sir John Burgoyne, Colonel Maude, Colonel Gordon, and Colonel Chapman, would be produced.

MR. AYRTON said, he would remind the Committee of the irregularity of the discussion, and suggest that they should pass to the next Vote at once.

MR. CONINGHAM said, that if any disgrace attached to the recent outbreak at the Royal Military Academy at Woolwich, it attached to the system under which that establishment was administered, and he could not but think that some of the officers as well as the young men were to blame.

SIR GEORGE LEWIS said, he could not remain silent while such opprobrious language was used in reference to the Military Academy at Woolwich.

MR. CONINGHAM said, he did not allude to the right hon. Gentleman.

SIR GEORGE LEWIS said, he had had the opportunity of reading the Report presented as the result of the inquiry that had taken place into that outbreak, and he believed that the principal cause of the

discontent among the young men was the introduction of a certain portion of the cadets from Addiscombe, and the difficulty of engrafting them upon the system at Woolwich. There was some dissatisfaction as to the terms upon which they were to enter for the examination. Unquestionably, there was mutinous behaviour on the part of many of the young men, and he could state most distinctly to the Committee that it was not owing to any conduct pursued by the governing body, or by the head of the establishment, which could justly be objected to. The main defect in the institution was, that the age of the young men had been increased, whereas the regulations had not been revised. The consequence was, that they had been governing an institution of young men upon a system that was rather suited to boys; and that he believed was the true explanation of the outbreak. He thought that the head of the establishment had behaved on the whole with great propriety, and the Report acquitted him of all impropriety. But the regulations required careful revision, and when the new system was ready to be brought into operation, it was thought expedient that a new head should be placed over the institution, but without the slightest reflection upon his predecessor. That recommendation had been carried into effect, and he could not at all acquiesce in the very injurious language which his hon. Friend had used with respect to the administration of the establishment.

MR. CONINGHAM said, he thought one of the clearest evidences that the system which prevailed at Woolwich was indefensible was the fact that the young men were nominally punished, and not expelled. He quite approved, however, of their not being expelled, because the system was much to blame.

SIR GEORGE LEWIS said, he would remind the hon. Member that the ring-leaders in the outbreak were rusticated. A punishment sufficiently severe to mark the reprobation of the Commander-in-Chief of such conduct was, he thought, inflicted. But although a due discretion was exercised in the assignment of that punishment, he could hardly conceive that what seemed to him to be a judicious lenity should be construed into a proof of the innocence of the persons concerned in what unquestionably was a grievous breach of discipline.

*Vote agreed to.*

*Sir George Lewis*

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £296,283, be granted to Her Majesty, to defray the Charge of the Educational and Scientific Branches, which will come in course of payment during the year ending on the 31st day of March, 1863, inclusive."

MR. SELWYN said, he rose according to notice, to move the omission of the item of £12,700, the probable charge consequent on the augmentation of the establishment of the college at Sandhurst by increasing the number of students to 400. That item afforded him an opportunity of raising the question of principle, which he wished to raise unembarrassed by the difficulty experienced in the previous discussion on account of the money having been actually expended. The subject, however, had been so fully handled in the previous debates, that it was not necessary for him to do more than to clear away two or three misapprehensions which seemed to have arisen. He had never rested the case upon merely economical grounds, but had stated that the education of the officers of the army was so important, and their influence so wide-spread, that he should not grudge any expenditure necessary for securing the best education for them; but the Universities had made a proposal to the Government for effecting that object, and the question was whether that plan ought not to receive a fair trial before the Committee sanctioned, for the first time, this increased expenditure. It was hardly necessary to defend the Universities from the charge of interested motives in the offer they had made to the Government. Indeed, that offer was much more open to the observation of his right hon. Friend the Member for Huntingdon, who said it was questionable whether it would be advantageous to the Universities themselves. He had himself at first doubted whether it would be beneficial to the discipline of the Universities that young men should resort to them for military education; but the document to which he had before alluded, and which was signed by the Vice Chancellor and many other of the most eminent men at Cambridge, stated it as their opinion, formed after serious consideration, that the liberal offer which had been made to the Government might be carried into effect without injury to the discipline of the University—an opinion in which Oxford and Dublin had also subsequently concurred. His mis-



givings on that score had therefore been removed. If that liberal offer were rejected, the responsibility would rest with the Government, and the Universities would have done their duty. The Universities had means of giving military education which were not at their command heretofore. Dublin was a garrison town, where a knowledge of drill could be easily imparted. Equal facilities might not, perhaps, exist at Oxford or Cambridge; yet they had adjutants and drill instructors, who were appointed and paid by the Government. He had heard most favourable opinions expressed by distinguished officers as to the efficiency of the University Volunteer corps, and the Secretary for War would have an opportunity of testing these opinions at the approaching meeting of the Volunteers belonging to the Inns of Court and the two Universities. Let the right hon. Gentleman appoint any officer, however strict, to take the command upon that occasion; let the united corps be ordered, without previous notice, to perform any manœuvres of which any regiment of the line was capable, and he would be quite content to stake the fate of his Motion upon the report of the officer so appointed. Moreover, the efficiency and permanency of those corps must be materially increased by an infusion of military students through the adoption of the offer made by the Universities to the Government. And, having regard to the frequent dispersion of their members, there were no Volunteer corps which it was more important to maintain in a state of efficiency, as they afforded the means of spreading the movement throughout the kingdom. All that the Universities asked was to have a fair competition—that every parent should be allowed to choose where he would send his son to receive the education necessary to qualify him for a commission without purchase. If a boy by his own talent gained an exhibition at school, which might, to a great extent, defray the expense of his education at the University, why should he not be allowed, when he had been a year and a half or so at the University, to go in to the military examination and compete for a commission without purchase? He wished it to be distinctly understood that it was only to the increase of Sandhurst that there was any opposition. There was no enmity on the part of those who objected to the Vote to the existing establishment, large as it was; all that was wished was, that

the Government should not incur any additional expense on Sandhurst until the alternative plan which he had suggested had been tried. He would conclude by moving the omission from the Vote of the item of £12,700, the probable charge of the proposed increase at Sandhurst; but as he understood there was an impression that no further division should be taken that night on the question of Sandhurst, he would only make the Motion *pro forma*, and reserve to himself the liberty of dividing on the report.

Motion made, and Question proposed,

“That the Item of £12,700, for the augmentation of the Establishment of the Royal Military College by increasing the number of Cadets, be omitted from the proposed Vote.”

SIR GEORGE LEWIS said, he was not aware of any impression of the sort to which the hon. and learned Gentleman referred, and so far as the Government were concerned the hon. and learned Gentleman was at liberty to take the division whenever he thought it most expedient. He had already so fully stated the plan he proposed, and explained his reasons for it, that he could scarcely say anything further on the subject. If the Universities of Oxford, Cambridge, and Dublin were allowed to send students up to the military examinations who had not passed through Sandhurst, other places of education would claim the same privilege. The Universities of London, Edinburgh, Glasgow, St. Bee's, and other places, would put in a claim to be admitted *ad eundem*, and the advantage to the Universities of Oxford and Cambridge would thus be very much watered down. Sandhurst was at present very nearly self-supporting, and if the number were increased to 300, the payments would amount to somewhere about £30,000, which would more than cover the Vote. The payments of the students were paid into the Exchequer; but if the House should strike out the Vote, the result would be that they would have to be received on behalf of the institution, and the proposal of the hon. Gentleman referred itself, therefore, into a question of how the accounts of the establishment should be kept.

MR. WALPOLE said he thought that the right hon. Gentleman the Secretary of State for War had entirely misapprehended the whole argument of his hon. and learned Friend (Mr. Selwyn). It was not the object of his hon. and learned Friend

to obtain any peculiar advantage for the three Universities. All that he had contended was; that it was inexpedient to make it compulsory that all persons who wished to enter the army without purchase should pass through Sandhurst. That was his first point; and his next was, whether, having regard to the persons themselves who passed through Sandhurst, was it or was it not expedient to make it a preliminary condition that they should obtain their commissions by a competitive examination? That was the scheme propounded by the right hon. Gentleman the Secretary for War, and it was a scheme to which he (Mr. Walpole) had the strongest possible objections, and the grounds of those objections were very simple. He admitted it was desirable that there should be a Military College at Sandhurst at which the sons of officers and civilians could be educated for the military profession, and he even thought it would be judicious if the payment made on account of the sons of officers not of high rank were smaller than it was at present. No doubt it was necessary to have a certain standard of Military Education to serve as a sort of standard to which all other persons must come up; but why it should be required that every person who had proved himself fit for a commission at an examination, the terms of which were settled by the Military Authorities themselves, should go through Sandhurst, he could not understand. That was the real point to which the right hon. Gentleman the Secretary of War should address himself, rather than to the invidious distinctions which he appeared to think his hon. and learned Friend the Member for Cambridge desired to press on him. In the course of the debates on this subject many Gentlemen thoroughly conversant with the subject had expressed an opinion that Sandhurst ought to be self-supporting; and if that were so, it would be far better, before increasing the establishment, to wait a short time, and see whether it might not be made more self-supporting; No doubt the original recommendation of His Royal Highness the Commander in Chief was, that every officer, whether entering the army by purchase or not, should be subjected to a competitive examination; but the matter was entirely altered when they tried to draw the line between those who purchased their commissions and those who did not. He believed they would have to come round to the question whe-

ther they were to require that system of competitive examination to be carried to an extreme, and to tell gentlemen who were perfectly qualified to enter the army, that merely because they did not pass so good an examination as some others, therefore they should not get their commissions. If they allowed gentlemen to enter the army after passing a good qualifying examination, which should fully test their merits, acquirements, and capacities, they would do far more towards improving education in the army than by confining and cramping it within a very limited sphere. He felt his right hon. Friend the Secretary for War had made out a strong case for giving a Vote for the buildings, which Vote was agreed to last year; but with regard to the extension of the amount to be given to the support of Sandhurst, he thought the House and the Government ought to pause until the plans had been more maturely considered. He should be glad to induce the Government to withdraw that particular Vote for one year, when they would be better able to judge where amendment and alteration were needed. If the plan were sound and good, let it be adopted; but they should not too hastily increase the Estimates by an annual Vote. He might add that in the early part of the evening the right hon. Gentleman the Secretary for War had said that accommodation was to be provided at Sandhurst for 336 young men, but he (Mr. Walpole) believed the Vote was asked on the supposition that there would be 400, and he should like to hear some explanation on that point.

COLONEL NORTH said, he should give his support to the Government on that occasion. He thought the objection to the Universities as places for the education of officers was the greater age at which they would enter the army. The smooth-faced boys who in former days entered the service from Eton and Harrow came to their regiments full of life and energy, and with a very moderate opinion of their own merits which was a great recommendation in an officer; and by the time those youths were eighteen they were not only drilled soldiers, but, which was of much more importance, they had disciplined minds. And had the boy-officers ever flinched from their duty? In the Crimean war what most astonished and delighted the soldiers was the example of cheerfulness set by these youthful officers when undergoing the same hardships as the troops, during



the dreadful winter the army passed through. He could not understand why such a change was made in the age of the officers. As to the Universities, there were no means of acquiring the practical part of a military education at Oxford or Cambridge. Dublin had a better claim; there was a large garrison there, but no other University had the same facilities for an officer learning his duties practically. He had to complain of the uncertainty of obtaining commissions under the present system of competitive examination. Many cases of the greatest hardship had occurred from that uncertainty: At the last examination only twenty commissions were given to the cadets from Sandhurst, the consequence being that number twenty-one on the list remained a Queen's cadet. He should be glad to hear that henceforth all Queen's cadets would be ensured commissions, for formerly when a man passed his examination he was assured of receiving his commission.

MR. FINLAY observed, that he regarded the question as purely a financial one. After establishing the college at Sandhurst it seemed a hard thing not to vote the necessary money for its support.

SIR WILLIAM RUSSELL said, that during the Indian mutiny the only complaint against many of the young officers was that they were too gallant, for their daring often led them to peril the lives of their men unnecessarily, and it would have been better if they had enjoyed a better introductory training.

LORD STANLEY had nothing to say against Sandhurst, but he could not follow the process of reasoning by which it was proposed to confer a monopoly in military training on that establishment. It was not a mere question between Sandhurst and the Universities of Oxford, Cambridge, and Dublin, but between Sandhurst and all the rest of the world. He could understand that no one should be admitted into the service who had not acquired a certain amount of professional qualification. That was very proper; but he did not understand what it concerned the Government, or any one else, where that qualification was obtained, so long as it was possessed. It might be said there were facilities for professional instruction at Sandhurst not to be found elsewhere. That might be, and he believed it was the fact; but that was the candidate's own affair. If a candidate could obtain instruction better at Sandhurst than at any other place, then Sand-

hurst would have the advantage of attracting candidates; but if there were that natural advantage, it was not only invidious, but useless, to superadd to that advantage a practical monopoly. It was urged in favour of the plan adopted by the Government that it was founded on the principle of open competition. He would remark, that although it looked like competition, yet the resemblance was more in appearance than reality; because though of the number of those who entered Sandhurst only one out of every two obtained commissions, and therefore as among the students there was a competition, yet the first entrance into the college was by nomination. It would be a mockery to say that the competition was open to the world when the entrance to the college was restricted to those fortunate individuals who possessed influence sufficient to obtain a nomination in the first instance from the Commander-in-Chief. The common sense plan would be to throw open the competition to the whole world, to state what would be required of candidates, and to allow them to get the qualifications required wherever they could, and then to let them come to Sandhurst that they might be tried whether they really possessed those qualifications. Then, if it were thought necessary, the candidates might pass a certain time in a military college to acquire habits of discipline. Something of that kind had been introduced into the civil service of India. Instead of the present system he thought it would be better to throw open the competition for commissions to all the world.

MR. DEEDES said, that if they were to follow the noble Lord's advice, they should vote at once for the entire suppression of Sandhurst College. Since the discussion in the earlier part of the evening the question had entered upon a new phase. The hon. and learned Member for Cambridge had begun by limiting his proposals to the Universities of Oxford, Cambridge, and Dublin; but now it was urged that it should be open to all schools to qualify young men for competition for commissions. For his own part, he thought the principle of competition had been carried too far, and that no practical good flowed from it. If it were intended that young men should pass two or three years at Sandhurst, there might be objections; but he could not see what hardship there was in requiring of a candidate for a commission, who had re-

ceived his general education elsewhere, to undergo one year's professional education at that college in order to qualify him for the particular profession he wished to adopt. He had relatives who had studied at Sandhurst, and he had no reason but to be well satisfied with the progress they had made at that institution. He had a great love and veneration for the universities, and having passed a great portion of his life at Oxford, he should object to anything like a military system of education being introduced into universities.

MR. AYRTON said, the proposed system had been tried with the view of admitting persons to the civil service of India; but it had failed, and it was therefore given up, having been found not only inconvenient but unjust. It might seem a paradox, but nevertheless he held that the education a man should receive should be every education but that of his profession. In that distinction existed the difference between the man of liberal mind and the man of narrow mind. Every mechanic was educated with special reference to the trade he was to follow—his education was narrowed to that particular pursuit. But the professional man received a good sound general education in all the branches of knowledge with which his mind was able to cope, and then devoted himself to the study of the profession of his choice. So it should be with those destined for the army. But, in point of fact, Sandhurst was not an institution solely for military education. Otherwise, for what purpose were professors of mathematics, French, German, classics, and general history found there. Now, what he and others asked was that, until they became officers, young men should be at liberty to obtain their education wherever they pleased, and should not be forced to enter what was called a military college to receive an education which they could obtain as well, or perhaps better, elsewhere. Again, injustice was done by the proposition of the Government to the various educational establishments throughout the kingdom, and also to the young men who would have to come to this country from Ireland and Scotland on the chance of passing, but with the certainty that two-thirds of the entire number would be rejected. Their families would thus be made miserable, and they would themselves be prejudiced by being specially educated for a profession which they could not attain.

*Mr. Deedes*

VISCOUNT PALMERSTON: I think the arrangement at Sandhurst very much answers the description which my hon. Friend has just given. He says that young men ought to be allowed to get their general education where they like. So they are. My hon. Friend denies this, because he says you profess at Sandhurst to give something like a general education. Now, the young men are to remain at Sandhurst a year. Does any one think that in a year they can get that general education which persons ought to have who fill the rank of an officer? At Sandhurst they are examined to ascertain whether at other places—at Universities, or schools, or at home—they have received that general education which is considered necessary as a foundation for a military life; and surely when you consider that what they afterwards require is peculiarly military instruction, that can be best acquired at a military college. How, for instance, can a young man at Cambridge or Oxford be expected to get that knowledge of military discipline and training which will be necessary when he joins his regiment? Hon. Members seem to confound general with military training. They say that a different system answered with regard to civil and scientific appointments. No doubt it does, and for this reason, that the knowledge requisite for the men who fill these appointments may be acquired anywhere. But what you want here is a knowledge of the military duties which a young man has to perform when he receives his commission, and I cannot understand how these duties and this knowledge are to be so well acquired as in an establishment of a purely military character where he can be practised in the duties he will afterwards have to discharge.

MR. CONINGHAM said, that one pervading fallacy throughout the discussion was that the young men who were to obtain commissions without purchase would be poor men, whereas poverty or eminent service was by no means the sole claim to these commissions. He feared, on the contrary, that the proposed system would have the effect of throwing the commissions into the hands of those who were possessed of broad acres. It was true that commissions would be given only to those who passed a competitive examination; but that examination was to be restricted to those who obtained nominations, by which means patronage would be greatly increased. He could only characterize the



proposal as an attempt, under the name of competition, to maintain the system of nomination.

MR. HENLEY said, that the statement of the noble Lord (Lord Stanley) had placed the question on a definite issue—“Will you take these young men after they have undergone one examination upon what is now pretty generally known as the system of ‘cram and sham’? Or will you not adopt the surer test of having them under your own eye for a year, when you will know whether they have anything in them or not?” For himself, he had no particular faith in a system which brought men from north and from south, from east and from west, and then suddenly let off the information with which they were crammed, like the charge in a pop-gun. The science of cram had now arrived at such a pitch of excellence that uncommon little reliance was to be placed on the results of examination. It was like bringing a horse to the post. A horse was brought into such condition, and trained to such a nicety, that if he ran on the expected day, he was sure to be pretty well up at the finish; but if he was not brought to the scratch at the particular moment, he would, perhaps, be good for nothing. The hon. Member (Mr. Ayrton) had propounded a singular proposition. “Let your officers,” he said, “first get their commissions, and then teach them their business.” But was that principle carried out in other professions? A man was not allowed to practise at the bar until he was supposed to have learned something of law; and so it was with the clergy. Would the hon. Member like to have a doctor learning his business by practising upon his own person? Surely an officer should have acquired a knowledge of his profession before you gave him a commission, and the best plan was to make him acquire that knowledge under your own eye. He did not think a system of open running was so likely to secure the best men as the present more qualified system. A few nights before, he had voted for the extension of the Sandhurst establishment, because he had been unable to see why it should not be extended, when the army had been so much increased; but he should object to a proposition to make every officer pass through the college, agreeing as he did with his right hon. Friend the Member for Huntingdon, that it was better to have gentlemen entering the army in different ways, in order

that the results of different systems might be ascertained. He thought it would be a great disadvantage to have all our military officers going through one groove; but, as the Sandhurst system was only to be carried out to a limited extent, he should vote for it.

Motion, by leave, *withdrawn*.

Original Question again proposed.

SIR MORTON PETO said, he must object to the item of £71,000 for the “Survey of the United Kingdom and Topographical Department.” A Committee had been sitting for the last three Sessions to consider questions connected with the survey. Their report would be issued very shortly, and the Government ought to wait till it was before the House, in order that the House might decide whether they were to have the 25-inch or the 1-inch scale. The question ought not to be re-opened year after year, but a definite decision ought to be come to on so important a subject. He begged to move the omission of the item.

SIR GEORGE LEWIS said, that if the House were never to agree to a Vote for the Ordnance Survey until all inquiry into the subject was at end, he feared they would wait a long time; for as long as he could remember there had always been an investigation, or a Committee, or a Commission, or an inquiry of some kind on the subject of the Ordnance Survey. Certainly it was his opinion that a great deal of money had been wasted. If the large plan under the consideration of the Committee to which his hon. Friend had referred were adopted, and the Government proposed to carry it out, he should be obliged to submit a supplementary Estimate, for there was nothing which would cover it in the present Estimate.

SIR MORTON PETO said, he could assure the right hon. Baronet that a supplementary Vote would not be required under the circumstances to which he had just alluded. He would ask, what was the use of appointing the Committee if the House had already decided the question? The House ought to have an opportunity of deciding whether it would sanction the expenditure of £1,500,000 on what might be right or what might be wrong, or whether it would complete the plan on which it had already expended £1,250,000. The supporters of the Government had a right to expect that in matters of that kind there should be economy, and that the House should not be called on year after year to vote large sums without any definite plan.

THE CHANCELLOR OF THE EXCHEQUER said, he could not help thinking that his hon. Friend (Sir Morton Peto) did not understand the effect of the Vote asked for the Ordnance Survey. A survey on a large scale was being carried out for a certain portion of the country, and that survey had been in operation for a considerable time; but it did not embrace the bulk of England. It embraced Scotland and the six northern counties of England. If he understood it, the question to be considered when the Committee reported was, whether that large 25-inch survey was to extend to the whole of England; but the Vote now asked for was not to extend that survey to the whole of England. He could assure his hon. Friend that that was a question which he was quite as anxious as any hon. Member to hear fully discussed in the House. The sum asked for was only intended to carry on the work at present in progress, and not an extension of it, involving any question of principle or any matter that was new to the House.

Mr. WYLD said, that whilst in previous years the item had been divided and apportioned to England, Scotland, and Ireland for some special purpose, that year one sum only was asked for the three countries; he could therefore understand the complaint that had been made that Scotland's portion had been diverted to some other part of the survey. Before the House entered upon the increased expenditure necessary for extending the large survey, they were bound to consider whether or not the sum proposed to be laid out could be laid out advantageously by a small annual Vote of £90,000 a year. A large portion of the Ordnance Survey was now so incorrect that there must be a re-survey, and a large portion of the expense to be incurred might go in aid of the large map contained in the Estimate. He might also add that the hon. Gentleman (Sir Morton Peto) had a precedent for the course which he proposed to take, for in 1859 the Committee of Supply postponed the Survey Vote because the commission upon the subject had not made its Report.

Mr. DODSON said, the question was whether the 25-inch scale should be continued or not; and he was of opinion that the hon. Baronet the Member for Finsbury was right in stating that the Vote ought to be postponed until after the Select Committee had presented their Report.

Mr. HASSARD said, that the ques-

tion was not between the 6-inch and the 25-inch scales, but between those two scales and the 1-inch scale. The field survey was exactly the same for the 6-inch and the 25-inch scale. The survey of Ireland had been on the 6-inch scale, which was so minute that the 25-inch maps required by the Encumbered Estates Courts were made out from the 6-inch scale field-book. For his part he was so convinced of the value of the 6-inch scale, that he did not consider it desirable to postpone the survey.

SIR HARRY VERNEY said, he thought that if the Committee could not postpone the Vote, it must be passed or rejected altogether. He hoped the latter alternative would not be adopted. The Vote was merely for the salaries of the men engaged in the survey.

SIR GEORGE LEWIS said, that the survey for the 6-inch and 25-inch scale was only in progress in England in six of the northern counties. The Estimate before the Committee did not assume that the 6-inch and 25-inch survey would be carried over the rest of England, nor would the adoption of this Vote prejudice the Report of the Select Committee when it came before the House. The Government, in asking for the Vote, expressed no opinion for or against the 1-inch scale, and they would be quite free to act upon the report of the Committee if the Vote were agreed to.

SIR MORTON PETO said, he should divide the Committee against the Vote. The Report of the Select Committee would be ready in ten or twelve days.

SIR FRANCIS BARING said, he hoped that the Government would drop the item, and bring in a supplementary Estimate for the sum after the Report of the Select Committee had been delivered. It appeared that the Select Committee were of opinion that the Vote before the Committee would affect the question upon which the Committee upstairs were about to report, and it was therefore due to them to postpone the Vote. If they were obliged to go to a division, he should vote for the omission of the item, leaving it to the Government to bring it up afterwards as a supplementary question.

SIR GEORGE LEWIS said, if the omission of the item would in any way facilitate discussion on the point, he should not be so unreasonable as to refuse to consent to the course proposed; but the Estimate on the table did not affect the ques-

*Sir Morton Peto*



tion of the 25-inch scale survey as regarded that part of England which had not been surveyed on that scale. If the Committee should not recommend the extension of the survey on that scale, the Government would have nothing more to do; but if the Committee should recommend it, and if the Government agreed with them, then it would be only necessary to propose a supplementary Estimate, without bringing it on in connection with the present Estimate, which did not affect the question.

Motion made, and Question put,

"That the Item of £71,000 for the Survey of the United Kingdom be omitted from the proposed Vote."

The Committee *divided*:—Ayes 43; Noes 75; Majority 32.

Original Question put, and *agreed to*.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

(3.) £750,000 Customs Department.

SIR FRANCIS BARING said, that the Committee of Accounts which sat last year, reported that the audit of the income of the Revenue was very imperfect. He should be glad to learn how far the Treasury had been able to carry into effect the recommendations of that Committee.

Mr. PEEL said, the Committee, after pointing out the defects in the present system of audit, had not proposed any particular form of remedy, but had contented themselves with calling the attention of Government to the subject. As soon as possible after the Report was presented the Treasury placed themselves in communication with the Audit Board, and had been informed from time to time that steps were being taken to carry out the recommendations of the Committee. In compliance with suggestions from the same quarter, and the Act of Parliament passed last Session to give effect to them, an account of the expenditure of the revenue departments for the year 1861-2 would shortly be sent to the Audit Board, and by them dealt with as the Act directed. He had likewise taken care to comply with the final recommendation of the Committee, that the items for Works should be presented in greater detail than hitherto.

Vote *agreed to*: as were also the following Votes:—

(4.) £1,382,274, Inland Revenue Department.

(5.) £2,084,687, Post Office Services, &c.

(6.) £535,834, Superannuations, &c. House *resumed*.

Resolutions to be reported *To-morrow*. Committee to sit again *To-morrow*.

#### OFFICERS' COMMISSIONS BILL.

##### THIRD READING.

Order for Third Reading read.

Motion made and Question proposed,

"That the Bill be now read the third time."

Mr. HENNESSY said, the Minister who had charge of this Bill described it, on the second reading, as a matter of little moment; but he differed in opinion from the right hon. Gentleman, for he thought this measure one of great importance. He believed Her Majesty already possessed ample powers to accomplish the object which the Bill had in view, by Her Royal warrant; and if that were so, the Bill was not only unnecessary but dangerous, because it invaded the Royal prerogative. He begged the attention of the House to what Lord Coke had said on the subject of commissions—namely, that they were of two classes, those which sprang from the Royal prerogative, and those which sprang from the statute law. Now, Commissions in the army and militia belonged to the former class. They are pure prerogative commissions. In the second volume of *Blackstone*, there is a passage illustrating this—

"When Charles I. had, during his northern expedition, issued commissions of lieutenantancy and exerted some military powers, which, having been long exercised, were thought to belong to the Crown, it became a question in the Long Parliament how far the power of the Militia did inherently reside in the King, being unsupported by any statute, and founded only on immemorial usage. The question became at length the immediate cause of the fatal rupture between the King and his Parliament; the two Houses not only denying this prerogative of the Crown, but also seizing into their own hands the entire power of the Militia."

On this usurpation by the two Houses of one of the most important functions of Royalty, Mr. Hallam remarks—

"The notion that either or both Houses of Parliament, who possess no portion of executive authority, could take on themselves one of its most peculiar and important functions was so preposterous that we can scarcely give credit to the sincerity of any reasonable person who advanced it."

And he adds—

"The power manifestly resided in the King."

Again, the Royal prerogative is laid down

distinctly in the preamble to the 13th *Chas. II. c. 6*, which declares that—

"This power ever was and is the undoubted right of His Majesty and his Royal Predecessors, Kings and Queens of England; and that both or either House of Parliament cannot nor ought to pretend to the same."

Now, as military commissions are not statutory—as it is evident that they are issued solely by Royal Prerogative—the question arises whether any statute is required to give authority to direct the issue of such commissions in any manner the Sovereign may deem proper. On the 27th of May, 1830, Sir Robert Peel informed the House of a precedent on this subject, which is extremely interesting at this moment. He said—

"In the fifth year of the reign of Queen Mary, Her Majesty, in consequence of the great labour which she sustained in the government of the Kingdom, was unable without much danger and inconvenience to sign the commission warrants, letters, missives, and other papers, and she therefore appointed certain persons, and gave them authority to seal the necessary instruments instead of the Queen. These persons were the Archbishop of York, the Lord Chancellor, the Master of the Horse, the Chancellor of the Duchy of Lancaster, and the Chancellor of the Order of the Garter."

No doubt this patent of Queen Mary was framed on an example in her father's reign. A patent of Henry VIII. (which may be seen in the British Museum) gives power to certain persons named therein, to use a stamp bearing the impress of the Royal signature to warrants, and it is stated in the patent that it is given for a limited time and for the Royal convenience.

Amongst the other Royal warrants which are not statutory are those relating to the care and custody of lunatics. This is a well-known branch of the Royal prerogative. In Mr. Chitty's work on the Prerogative of the Crown, he says—

"This prerogative is generally, but not necessarily exercised by the person who has the custody of the Great Seal. It may be delegated to any other person, and even when granted to the Chancellor, as it almost universally has been, a special authority under the Royal sign manual seems necessary, for such authority does not appear to form part of the Chancellor's general jurisdiction. This warrant confers no jurisdiction, but merely a power of administration."

Now, this delegation of the Royal authority by a warrant under the sign manual, and not by an Act of Parliament, is exactly a case in point, and he (Mr. Hennessy) would be surprised if any answer could be given to the conclusive precedent furnished by that warrant, which runs thus—

*Mr. Hennessy*

"VICTORIA R.—Whereas it belongeth unto us in right of our Royal prerogative to have the custody of lunatics and their estates, they being in our immediate care, commitment, and disposal, which doth occasion multiplicity of suitors and addresses to our own person; we, therefore, for the ease of ourself and of the said suitors, do by these presents give and grant unto you full power and authority, without expecting any further special warrant from us, from time to time to give orders and warrants for the preparing of grants, and thereupon to make and pass commitments. And for so doing this shall be your warrant. Given at our Palace of Buckingham House this 16th day of July, 1841, in the 5th year of our reign."

The hon. Gentleman referred to certain other Royal warrants issued during the reign of the Georges, as well as during the reign of Her present Majesty, for the purpose of showing that the Crown by its own prerogative, and without Act of Parliament, had at various times authorized Commissioners to affix their signatures to documents otherwise requiring the sign manual. He called attention to the warrant of 1719, which runs thus—

"GEORGE R.—Whereas we have determined speedily to go in person beyond the seas, and we therefore by the advice of our Council have constituted and appointed the said Lords Justices to execute the office of guardians and justices; and our will and pleasure is that all writs, letters patent, commissions, and other instruments or writings, which should, or ought to have or bear teste by or under ourself, shall bear teste in or under the name of the first for the time being of the said guardians and justices."

He dwelt upon the warrant of the 6th October, 1854, which not only regulated commissions in the army, but even the pay of the officers. He was informed that the Government relied upon various Acts of Parliament as sanctioning the course they had now adopted. The principal Act, of course, would be that of the reign of George IV, passed in 1830. But in its scope and its form, as well as in the procedure with regard to it, that Act totally differed from the one which the right hon. Gentleman thought proper to introduce. There had been a message from the King, stating that he was physically unable to sign his name, and recommending something to be done. The Royal message was responded to by an address from both Houses complying with His Majesty's gracious recommendation, and the day following the Bill giving effect to the new arrangement was introduced by the Lord Chancellor. That Act of George IV. applied to every exercise of the sign manual, whether in respect to statutory or prerogative commissions, and



therefore the Act of Parliament was necessary; but the present Bill did not touch commissions effected by statute, but only such as sprang from prerogative. If, in everything touching the issue of commissions, the Crown had from time to time by numerous warrants vindicated the prerogative, ought that House now to consider a Bill such as this? Why should they now be discussing a Bill which professed to give to the Queen a power which she and her predecessors had exercised, and which he hoped her successors would continue to exercise? Under all the circumstances, he ventured to ask that the same course should be pursued in this instance as was adopted in the reign of George IV.—namely, that the question should be referred to a Select Committee, that precedents should be carefully examined, and that so delicate a matter as the Royal prerogative should not be dealt with in a hasty and imperfect manner. With that object he moved that the Bill should be recommitted.

#### Amendment proposed,

"To leave out from the words 'That the' to the end of the Question, in order to add the words 'said Order be discharged,'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR GEORGE LEWIS said, he could not say that the hon. Gentleman was *ipsis Hibernis Hibernior*, but he was more Royalist than the King, for he set himself up as the champion of the Queen's Prerogative against the Queen's Government. He sought to show that Parliament ought not to legislate upon the subject, and that in passing the Bill they might invade the prerogative of the Crown. The second section, however, provided that nothing contained in the Act should interfere with the power of Her Majesty to sign military commissions if she should be so minded, and therefore there could be no diminution of the Royal prerogative. The argument of the hon. Gentleman was that the Queen could alter the practice by Her prerogative, and therefore it was superfluous to make the change by a Parliamentary enactment. He could easily satisfy the House that that opinion was unfounded. It was an error to suppose that military commissions were not as a rule signed by the Sovereign. As long as there had

been an army in the country, it had been the unvarying practice for every military commission—not naval commissions, which were only signed by the Lords of the Admiralty—to receive the signature of the Sovereign; and it had been more than once decided by Lord Ellenborough at *Nisi Prius*, and was then settled law, that for a military officer to prove his character it was necessary that he should produce his commission, and that the mention of his name in the *Gazette* was not sufficient. The passage in the warrant to the Secretary of State to which the hon. Member had alluded referred only to the countersigning by the responsible Minister, which was necessary whenever the sign manual was used, and gave to the Secretary of State no power to sign military commissions. The argument of the hon. Member, if it meant anything, meant that it was competent to the Crown to make the change, and that it was unnecessary for Parliament to legislate upon the subject. Now, it happened that there had been a series of Acts of Parliament legislating upon that very matter; and if the Crown had possessed the prerogative of dispensing with the signature of commissions, those Acts would not have been needed. Originally all commissions lapsed on the death of the Sovereign who had granted them, but by the Act 7 & 8 Will. III. c. 27, s. 21, which was passed in an excellent constitutional period, it was provided that in future that should not occur. By another Act passed in the first year of the reign of Queen Anne, it was provided that commissions for civil or military employments should continue for six months after the death of the Sovereign. Then came the Act passed in the 11th year of the reign of George IV., to which the hon. Member had referred. That Act was passed nearly at the end of the life of George IV., when he was incapable of signing his name; and the reason why there was in that case a message to Parliament was, that the incapacity to sign was general, and did not apply only to military commissions. But military commissions were included in that Act, which, had the King had the power to dispense with the sign manual, would have been wholly unnecessary. He might further observe that in the Act of the present reign, entitled an Act for the Continuance of Military Commissions, notwithstanding the demise of the Crown, the following words occurred:—

"Whereas great inconvenience resulted on the demise of the Crown with respect to the renewal of military commissions, be it enacted that all such commissions continue in force until cancelled."

That provision appeared to him to be quite decisive of the point at issue; and having shown that the statements of the hon. Gentleman were contradicted by a long course of precedents, he trusted he need say nothing further in order to secure the sanction of the House for the Bill.

MR. NEWDEGATE said, he wished to ask the hon. and learned Attorney General whether what was termed the submission list was not in reality, when it received the sign manual, the effectual authority. All that the Bill did was to give effect to that authority.

SIR GEORGE LEWIS said, he would answer the question. The Commander-in-Chief submitted the names of persons whom he recommended for commissions. Her Majesty placed her sign manual at the top of the list if she approved of it, and there were written directions at the bottom to the Secretary of State to issue commissions to the persons named, and she signed that also.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read 3<sup>d</sup>, and *passed*.

## INDUSTRIAL SCHOOLS ACTS (1861)

### AMENDMENT BILL.

#### SECOND READING.

Order for Second Reading read.

SIR STAFFORD NORTHCOTE said, he wished to call attention to an objection in the Bill. As it stood, managers of the schools would be obliged to pay for the maintenance of the children to the extent to which the Government were at present responsible. He also wished to call the attention of the Government to the working of the Reformatory system, and to the fact that Justices of Assize were in the habit of sending to reformatories, to be there maintained at a certain expense, children who could scarcely be regarded as criminal. If the Government would give encouragement to Ragged and Industrial Schools, they would help to save great numbers of children from criminal and vagrant habits, and lessen the necessity for reformatories. By limiting the operation of the Act to two years, the Government had quite emasculated the measure, and placed reformatories in a worse position than before. He hoped

the right hon. Gentleman would either propose an extension of the period during which the Act was to be operative, or would refrain from opposing the Motion of any independent Member to that effect.

MR. CAVE said, that the Limitation Clause was quite unnecessary for the protection of the Treasury. This was given by the Act itself; because the Secretary of State could either refuse to certify schools, and so limit the number; or he might discharge the children, or reduce the allowance. This Bill would be useless, because, as the commitments were at various dates, the schools would have to be kept up for an ever-lessening number of children, reduced at last to one. The Colonial Office had allowed the Barbadoes Industrial Schools Act (a similar measure) without the Limitation Clause, and he trusted, therefore, that the Government would consent to prolong the operation of the Act of 1861.

SIR GEORGE GREY said, he was willing to own that the limitation of the operation of the Act to two years would prove completely destructive to the efficiency of the schools, because commitments could not be carried out during that period. An extension of the terms of the measure was therefore necessary, but as it was only an experiment, it had been deemed advisable to prolong it only for another year, when Parliament would be better able to judge whether it was desirable to continue it for a series of years or at once to make it permanent. Nine schools had been certified under the Act, in addition to numerous others under the previous Act. He understood that the whole provisions of the measure would be operative in respect of children committed to these schools during the whole period of their sentences.

MR. NEWDEGATE could not but remark upon the haste in which the clauses of the Bill had been framed. He thought it only reasonable that they ought to have a copy of the resolutions which had been issued to the schools before they proceeded with the further stages of the Bill.

MR. SOTHERON ESTCOURT said, he would suggest that, before the next stage of the Bill, full opportunity should be given to the House for the mature consideration of its provisions.

MR. ADDERLEY said, he wished to give notice that, in Committee, he would move the repeal of the clause which limited the duration of the Act.

*Sir George Lewis*



Bill read 2°, and committed for *Thursday* next.

# TRADE MARKS BILL.—COMMITTEE.

## ADJOURNED DEBATE.

Order read, for resuming. Adjourned Debate on Question [10th March], "That Mr. Moffatt be added to the Select Committee on the Trade Marks Bill."

Question again proposed.  
Debate resumed.

MR. CRAWFORD said, that there were three parties who were affected by the Bill—namely, manufacturers, purchasers, and that important class who stood between both, namely, the wholesale vendor. When the subject was last before the House it was proposed that the name of the hon. Member for Honiton (Mr. Moffatt) should be added to the Select Committee, and he (Mr. Crawford) was desirous that that proposition should be carried, as it was important that the interest of the wholesale vendors should be represented. The legal profession and the manufacturing interest were represented, but the claims of the wholesale houses to be represented appeared to have been altogether lost sight of in the composition of the Committee.

Question put, and agreed to.

House adjourned at a quarter  
after One o'clock.

## HOUSE OF LORDS,

*Friday, March 14, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>st</sup> Officers' Commissions.  
3<sup>rd</sup> Exchequer Bills.

## EDUCATION—THE REVISED CODE OF REGULATIONS.—OBSERVATIONS.

LORD ST. LEONARDS, pursuant to notice, rose to call the attention of the House to so much of the Revised Code of Education as relates to the grouping of the Children for Examination. The noble and learned Lord said that he had no intention to enter at any length into the provisions of the Revised Code, nor had he any intention to find fault generally with the measure. On the contrary, he confessed that he admired some of its prin-

ciples, believing that the time had arrived for the adoption of some measure that would impose some limits to the great expenditure incurred under the present system. There were many provisions of the revised measure of which he approved; and he thought that if some further modifications were introduced, the new arrangement would work very well. But he could not help regretting that religious examination was altogether lost sight of. It was his opinion that the religious education, which the lower orders of the people received at the National Schools, had a much greater influence than people imagined, for the children took home the lessons they were taught, and thus spread an influence over their parents and other relatives. The examinations were unobjectionable as regarded boys; but he thought that some parts were decidedly objectionable when applied to girls, who did not require the same extent of education in some of the branches. Instruction in reading, writing, and arithmetic, was no doubt important to girls as well as to boys; but the former had to devote a portion of the day to learning how to perform household work, and other domestic duties, and especially needlework, which were so important to them in after-life, and therefore could not bestow so much time on reading, writing, and arithmetic as boys could. He was not disposed to agree with the right rev. Prelate who addressed their Lordships the other evening (the Bishop of Oxford) in the estimation which he seemed to place upon these three branches of knowledge. In his opinion, they formed the best possible foundation for the education which could be given in the National Schools to the children of the labouring poor. It was too much to expect anything like proficiency in dictation from those poor children, when men of mature age and ample education often failed to come up to the standard when subjected to competitive examination. He considered that the test of writing from dictation should not form a ground for making the grant. He thought that writing should be paid for as a result; and a small gratuity might be added for writing from dictation. The heading is writing—the thing required is writing from dictation. He altogether objected to the grouping according to age in our National schools. Who would propose to educate their own children on such a system as that proposed under the Revised Code?

He hoped and trusted that the regulation as to grouping would be struck out as inoperative for any purpose of good;—for that was really the most important point presented for their consideration under this new Code. The difficulty it was said had arisen from not distinguishing between examination and instruction; but surely it required no great difficulty for any sane man to discern the difference between them. It was utterly absurd to talk of ranging children in a national school according to their age instead of according to their proficiency. They might as well group the children according to weight as according to age; for the latter was in reality no test of intellectual progress. He could understand, when a number of boys were first promiscuously thrown together for education, that it would be proper to range them, in the first instance, according to age, until the intellectual progress of each had been, in a manner, ascertained; but when that had once been done, the position of the boys should be determined according to their ability; otherwise a boy of fifteen years of age, who might be the greatest dunce in the school, might appear at its head, while a boy of ten years of age, and of distinguished abilities, might be placed among the lowest children. If such a system as this were adopted in a school, nothing better could be expected than that it should tumble to pieces; for it would crush all competition and emulation among the children, and bring them all to one melancholy dead level. Parents, too, would not like to see the places of clever children taken by children who could not answer a single question in the examinations. For himself, he did not hesitate to say that he would not give his support to a school conducted on such a principle. He thought they must come to the conclusion that the carrying out of this proposal was utterly impracticable if the good discipline of the schools was to be kept up. The scheme, he contended, would be found to work great injustice in the case of scholars whose talents had advanced when in the school to a position beyond their years, and, in fact, to be utterly impracticable. The requirements of the groups were in several instances altogether beyond the capacity of the children, and should therefore be lowered. Nothing would be more disastrous to the cause of education than that any scheme should be introduced which turned out unsuccessful.

*Lord St. Leonards*

He therefore hoped that delay would take place in the introduction of any alterations in the present system, and that they would only be made after the fullest consideration. It should be borne in mind that the children in national schools were not, like the children of the wealthy classes, kept continuously at school and carefully watched and taught during their vacations. The noble and learned Lord then went minutely into the detail of three tables (which were subsequently laid upon the table with Resolutions to be moved by him in accordance with his observations). The first table showed the exact state of the classes of Thames Ditton School as they at present stood; the second showed how greatly those classes must be broken up and distributed in order to form the grouping required by the Revised Code; and the third exhibited the result of an examination of both the boys' and the girls' schools *according to the groups*, and which examination he (Lord St. Leonards) said proved how impossible it was to adopt the grouping of the Code without the most serious injury to the schools.

LORD KINGSDOWN said, he desired before the noble Earl the Lord President replied, to call his attention to the hardship that would arise in particular cases as soon as the revised scheme was carried into effect. He was not about to controvert the principle on which that scheme was founded. It was very reasonable, where in past time there had been any neglect, that the managers of those schools should suffer the consequences. But the case to which he wished to call attention was that of schools in neighbourhoods where there was a large mass of population, and few wealthy residents. The only means of maintaining schools in such localities, or establishing them in the first instance, was to procure subscriptions in the locality to erect the schools, and then rely afterwards on the payments from the children and the Government grant. He had presented a petition, a few days ago, from Chatham, representing the case of the school in that neighbourhood. By the aid of a subscription £2,400 was raised, and a school was established. The only means by which that school could hope to be maintained was the government grant, to which under the old system it was entitled. The managers had not incurred any charge of neglect, but the school had not been opened for more than twelve months, and of course



but little progress in teaching could as yet have been made, and under these circumstances he understood that according to the Revised Code the School would be entitled to little or no allowance. This was the statement he had received of the position of the schools at Chatham—

“ Perhaps you will allow me to ask your attention to the very great difficulties in which the schools in Chatham will be placed if the new Code, even if revised as proposed, be adopted. Of four sets of schools in Chatham and Brompton, showing an average attendance of nearly a thousand scholars, one school for boys, with an average attendance of about a hundred children, who belong mainly to the working class, must be closed. In this case (St. Paul's, Chatham) the managers are already behindhand with their funds, and they cannot sustain the least further liability. The managers of a second set of schools (St. John's) contemplate raising the payments of the children, the result of which change must be to drive away the scholars, whose parents are of the labouring class. Such, in this instance, would be the effect of the adoption of the new Minutes, even as revised. In a third and very important set of schools at Brompton, the result of the changes on the part of Government would be probably to sever the connection with the Committee of Council, and certainly to divert the education from the lowest to a higher class. In the fourth, which is our own case, the schools include boys' school, girls' school, both under certificated teachers, and infants' school under a mistress not certificated. The result of the new Code would be that one of these schools, and one certificated teacher, would disappear. Our schools supply education to 280 children, with an average attendance of 200, at least 80 per cent being *bonâ fide* of the working class.”

The chief defect in the new system was, that it would press with great severity upon the districts which most needed Government assistance. It was extremely hard that persons, who had expended their money and their time in establishing such schools, should now find that both money and time were thrown away. If this evil could be remedied, a point of much importance would be gained; and he therefore asked for it the attention of the Committee of Council, whose sole object, he was sure, must be to introduce that system which would work best in practice and which would prove most acceptable to the public.

THE BISHOP OF LONDON: My Lords, probably the noble Earl will be anxious to know the general feeling of those who on the whole are well disposed towards the new Code, but who think it is susceptible of some changes for the better. The remarks of the noble Baron who has just spoken (Lord St. Leonards) seem to point to one change which every person with whom I have spoken desires to see made.

Even those who are most favourable to the principle of the Code, including, I believe, the Commissioners themselves, are of the same opinion. The noble Baron has stated that some schools, which have been lately formed, will suffer very greatly, because the children there cannot at present come up to the test imposed by the examination. Now, I believe that the plan proposed by the Commission of Inquiry was, that there should be two sorts of grants—one which should depend upon the results of examination, and the other upon attendance merely. Important as it is to introduce the principle of examination, and to make the payment to the schools depend greatly upon that test, persons most conversant with the system believe that it is still almost indispensable to give some weight to the mere fact of attendance, so that the money gained by each school should depend to some extent upon the regular attendance of the children, even of those who are unable to pass the examination. This concession has been made in the case of children under a certain age. There is a general feeling that a similar concession should be allowed in the case of older children; and I believe that if the Government were to concede this point, public feeling with regard to the Code would be greatly changed. It is said that though this Code shows an honest desire to extend the benefits of these schools to remote country districts which have not hitherto been reached by the Government system, still the test of examination will bear hardly upon those country districts, where you have great difficulty in getting the children to make the progress which they attain in large schools in towns. It is further said that the governors of schools will be little disposed to pledge themselves to pay the masters and pupil-teachers when great uncertainty will prevail whether schools will receive any money from the Government—an uncertainty, too, depending upon the results of a single day. I will not weary your Lordships by touching upon the causes which may prevent the attendance of the children on that particular day, or upon the flurry and excitement which the examination will be sure to create. If, therefore, in addition to the stimulus which the examination will give, you make a further grant for attendance, the school managers will be encouraged to go quietly on with their work throughout the year; they will probably then be willing to incur the

obligation of paying teachers and masters, and you will avoid the uncertainty which must always attend an examination held on one particular day in the year. I believe that a great change of feeling has taken place in reference to this Revised Code during the last few weeks. I cannot say that all the feelings of irritation with which it was first received—feelings not, perhaps, very unnatural under the circumstances—have been altogether allayed; but there has certainly been a change. I cannot speak for the clergy generally, but I can speak for a great many of them, and I find that those of the clergy with whom I have opportunities of consulting are, on the whole, not unfavourable to the Code. At the same time, they are apprehensive upon particular points, and on no one point is there greater apprehension than on that to which I have alluded. As a concession has been made with regard to infants under seven, no new machinery will be necessary to make the same principle apply to children above that age. Let one-third of the grant, if you please, be given for regular attendance in the case of children above seven, and let two-thirds await the test of examination. If this were done, I believe that much of the feeling which at present agitates the minds of the clergy and others interested in the schools would gradually disappear. I am glad that my right rev. Brother (the Bishop of Oxford) spoke as he did the other night, because it is well, when feelings like those which he described exist, that they should find vent, and they did find vent on that occasion. But it would be wrong to judge of the feelings of the clergy generally by the state of things several months back. It is certain that formerly in different parts of the country perpetual dissatisfaction was expressed with the old Code, and perpetual complaints were made that the masters were above their work, and that the education given was not the most useful possible. I have repeatedly heard it said that reading, writing, and arithmetic ought to be better taught, even though the more ornamental parts of education were left alone; and complaints were also made that the pupil-teachers and the masters were so independent of the managers, and considered themselves so much the officers of the Government in Downing-street, that it was difficult to get on with them. I do not say that those complaints were always well founded, but such a feeling

*The Bishop of London*

existed, and, judging from this fact, a change in the system seemed called for. But it is singular enough that a system which may be said to have been introduced at the point of the bayonet, and which was so much complained of, should have enlisted every one loudly in its praise at the moment when it seems about to expire.

“Virtutem incolumem odimus,  
Sublatam ex oculis quærimus invidi.”

Perhaps a good deal of this feeling is owing to the manner in which its successor has been introduced, rather than to its own virtues. It may be possible to do a palatable thing in an unpalatable way; and a system which would come recommended by gentleness and conciliation suffers in public opinion under ruder and rougher treatment. The outcry at first raised against the Code was not unnatural, but I think it has, upon the whole, subsided; and what is now the earnest desire of the school-promoters is, that as some change was perfectly inevitable ever since the verdict pronounced by the Royal Commissioners, that change should now be introduced in the manner least likely to injure the schools, and to expose the clergy and others, who run great risks in managing them, to the difficulties which they apprehend under the new system.

EARL GRANVILLE:—My Lords, I am very glad to express my satisfaction at the tone and temper of the speeches we have heard this evening; and a complaint which I might have had to make against the two noble and learned Lords has been removed by the right rev. Prelate who has just sat down. Those noble and learned Lords pointed out several objections to the proposed system, but they omitted to point out any mode by which those difficulties could be avoided. The Government is placed in a most difficult position when they introduce a measure—immensely assisted as they have been by the manner in which the question has been ventilated—and when they have made alterations in compliance with the suggestions of various critics to meet all the objections which have been raised, to find those objections repeated, without any suggestions how the difficulties were to be met. There is, no doubt, a great deal in what has been said by the noble and learned Lord of the evil inseparable from any system of grant. If voluntary efforts are not forthcoming, the evil is insuperable, unless the Government were to assume—as I think few persons in this country would wish



them to assume—the whole duty of providing education for the people. There is one way in which this difficulty has been met in large districts, where voluntary contributions were not forthcoming, and that has been by means of a rate, as was recommended by the Royal Commissioners. The Government, however, decided not to adopt that recommendation, not having heard anything in its favour. With respect to some schools referred to by the noble and learned Lord (Lord Kingsdown), it seems to me that one of them at least was bankrupt in point of instruction. It failed to teach reading, writing, and arithmetic, or it would have obtained the capitation grant. Unless we break down the whole system, I do not see how otherwise we can deal with schools in this condition. The right rev. Prelate has rather objected to the manner in which this Revised Code was introduced, as though it might have met with a different reception had the manner of its introduction been different. I do not object to the discussion that has taken place, for if we had not had it, we could not have had that change of opinion in its favour which has occurred, and which is increasing every day. But when the right rev. Prelate points out that the pressure is entirely of a pecuniary character, I cannot flatter myself that the Vice President of the Council or myself could, by any increased sweetness of manner, have pleased those from whom, for the first time, we required results before payment. Our object has not been, and is not, to destroy a good work, but to cure defects, and to create some stimulus to ensure that schools shall really impart sound elementary instruction before receiving the public assistance. The right rev. Prelate proposes to reduce that stimulus to an almost infinitesimal amount. His proposition to pay one-half or one-third for mere attendance would very much lessen the stimulus we desire to apply, and without which the whole system would be really useless. I must now notice the observations of the noble and learned Lord opposite (Lord St. Leonards). In the first place I must thank him for his acknowledgment of the general advantage of the new Code. It was necessary to apply some check to the continually increasing expenditure on schools. There was one point in the noble and learned Lord's speech that would have caused me pain had I not a complete answer to it—I mean his apprehension that the religious instruction in schools would be interfered

with by what we propose to do. Now, the right rev. Prelate who addressed us the other night (the Bishop of Oxford), and who exhausted every topic of objection against the Code, left that point quite untouched, and the right rev. Prelate who has just spoken (the Bishop of London) has made no complaint of any such apprehended interference. Your Lordships will remember a story of Oliver Goldsmith, about three men who were discussing the consequences of an expected invasion—an overburdened porter, who asked what would become of our property; an imprisoned debtor, who feared for our liberties; and a soldier, who exclaimed in more forcible language than I shall employ here, "What will become of our religion?" Considering that the right rev. Prelates have not thought it necessary to point out any threatened danger to religion conveyed in the new Code, I hardly expected that a lawyer would have been anxious on that account. But knowing the deep religious feeling of the noble and learned Lord, and also that the laity, as well as the clergy, are interested in so important a matter, it is not so surprising that he should have expressed the feelings which he entertains. But I am glad to be able to assure him that he is wrong in that apprehension. We have recently seen some Resolutions laid upon the table of this House, and some are about to be proposed in another place, intended to meet all the points of controversy in relation to this question, but in neither of these is there the slightest allusion to any religious difficulty. The noble and learned Lord has discussed some of the details of this question. I confess I feel in some difficulty in answering him. Upon questions that come before this House, involving the consideration of the existing law or amendments of that law, it would be presumptuous in me to contend with the noble and learned Lord. He is a great lawyer and a distinguished Judge, but even his long and useful life has not made him the highest authority upon the best mode of teaching children in National Schools; certainly not so high an authority as another noble Lord (Lord Lyttelton), who has devoted himself to the cause of education—who was the first last year to sound an alarm, and to commence an agitation against the new Code, and who recently proposed certain Resolutions which he afterwards thought it right to withdraw. That noble Lord came to the conclusion that we were perfectly right in the course we had adopted, both as to the

examination of children individually, and also as to the question of age. As regards the standard of requirements we have agreed upon, the objection is somewhat novel, that it is of too exacting a character. On the contrary, the point which I have heard argued with the greatest force is, that by the limit we put to the instruction required we are degrading and lowering the quantity of instruction which ought to be given to children of the labouring classes. The noble and learned Lord dwelt to-night on the monstrous anomaly of teaching girls arithmetic. He said they did not know it, and they would never learn it. If they do not know it already, that is a reason why you should begin to teach it to them. If the noble and learned Lord doubts its being of use to them, I will ask him to go into the shops of any small tradesmen, and I am very much mistaken if he will not be told that one of their great difficulties is to get girls who are able to keep the books, because they have not that knowledge of accounts which is so really useful in establishments of that sort. And when he says girls cannot learn arithmetic, that is an imputation on the female mind of this country which I cannot for a moment admit. I believe at that early age girls are much more quick and intelligent than boys. I certainly know nothing in the physical or moral condition of English young women that should render them incapable of learning the common rules of arithmetic, if they were properly taught to them. In France, from the greatest houses of business down to the lowest shops, females are employed in keeping the accounts. The noble and learned Lord thinks great loss of time, and consequent expense, will attend the individual examination of children. This is a matter which I hardly think it right at present to discuss; but I may mention that the system is carried out with great ease in schools in Ireland, and I have no doubt experience will enable us to make proper arrangements here. Even if we are obliged to increase the number of Inspectors, I believe it will be good economy, where you are spending large sums of money, to insure, by a small percentage, that the sums are properly applied. With regard to the examination of children, the noble and learned Lord seems entirely to have misapprehended what we are about to do. In the first place, so far from wishing to diminish the instruction given, we hope, under our system, that all those

*Earl Granville*

branches of instruction which are now taught will continue to be taught under the beneficent action of the managers of schools; all we do is to insist on a *minimum* standard of knowledge in elementary subjects in order to justify us in giving the grant to the particular school. We do not intend in these examinations by age to interfere with the classes in the school either before or after the examination. The noble and learned Lord alluded to the inspection of particular corps, and to the fact that an officer with an experienced eye could at once judge how they went through their movements. No doubt, in the same way, an experienced Inspector could judge very well of the general tone and discipline of a school, and of the mutual relations of master and scholars; but an examination of the knowledge which each child possesses of reading, writing, and arithmetic, to be worth anything at all, must be individual. You cannot set twenty children to read at once with any hope of being able to distinguish how each acquits himself. Knowing the great interest which the noble and learned Lord takes in the subject of education, and the kind way in which he often comes forward to suggest to the Government modes of remedying existing evils, I listened for any indication of the means by which he thought the objections to individual examination might be overcome; but I do not think he gave any.

LORD ST. LEONARDS: By taking them according to the class.

EARL GRANVILLE: I think the objection to taking children according to the class has been very clearly pointed out by the noble and learned Lord himself. The managers and masters of schools would have a direct pecuniary interest in keeping the clever, better-instructed children, who ought naturally to be in the first class, back in the second class, so as to make sure that in every case the *minimum* amount of instruction would be certified, and the grant obtained. The noble and learned Lord quoted the case of a clever girl who said, "If I get put down, my mother will not send me to school." I believe one of the great advantages of this standard of proficiency according to age to be that it will introduce quite a new element into the school. If parents know that a certain standard will be required, they will be deeply mortified if their child does not reach it, and there will be a stimulant to send their children to school which



does not at present exist. I stated the other day that, after most careful consideration, I believed every one of the alternatives proposed by way of substitutes for particular details of this Code broke down on investigation, and I am afraid the course now suggested by the noble and learned Lord, while very greatly increasing the pecuniary grants to schools, would not obtain compensating advantages. These Parliamentary grants ought to be an instrument for remedying evils which exist. The impossibility of keeping the children of the labouring classes at school beyond a certain age, even though it may be desirable to do so, is admitted. Your efforts, therefore, must be to obtain as constant an attendance as possible at an early age, which is the only chance of getting for them such elementary instruction as will fit them for the positions they may occupy in after-life. The noble and learned Lord says that girls are often taken away from school to mind younger sisters at home. But the great inducements we hold out in the infant schools ought to lead them to bring their sisters there, and to attend themselves in the higher classes. The noble and learned Lord gave a number of statistics, which I found it rather hard to follow, and he said they had been furnished at his request, without the parties having the most remote notion why he wanted them. I do not know whether the amount of simplicity is greater than anywhere else in the district which has come under the observation of the noble and learned Lord, but I think a schoolmaster or schoolmistress who is asked just at this moment to furnish statistics on particular points of educational interest must have some notion, at least, of the purpose for which they are required. Be that as it may, I have not the slightest doubt these returns were fairly made. In some respects the results which they disclosed seemed to me very good; in others I thought there was a lamentable failure, and this very inequality is what the Revised Code seeks to amend. After the enormous amount of statistics published by the Royal Commissioners, I have grave doubts whether those of any single school would be of much value; and therefore I am afraid I cannot accede to the request of the noble and learned Lord that the return should be printed. I have only, in conclusion, to thank the House for the very moderate and candid tone in which the subject has been debated.

LORD ST. LEONARDS in reply denied

that he had made any direct charge of want of capacity in female children.

House adjourned at a quarter past Seven o'clock, to Monday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

*Friday, March 14, 1862.*

MINUTES.]—PUBLIC BILLS.—2° Pier and Harbour Act Amendment.

3° Consolidated Fund (£18,000,000); Transfer of Stocks (Ireland); Crown Suits (Isle of Man).

### THE IRISH POLICE.—QUESTION.

COLONEL DICKSON said, he wished to ask the Chief Secretary for Ireland, Whether the attention of the Government has been drawn to a representation by the County of Limerick Grand Jury to the Judge of Assize at the late Spring Assizes with reference to the employment and organization of the police?

SIR ROBERT PEEL said, in reply, that a representation had been made to the Judge of Assize by the Grand Jury of the county of Limerick at the late Spring Assizes in reference to the employment and organization of the Irish constabulary. The Grand Jury stated that the police force was assuming too military a character. The character of the force, however, was precisely the same that it was thirty-eight years ago. It had always been under the command of military men, at first under Colonel Kennedy, then under Colonel M'Gregor, and now under Colonel Brownrigg. It was always desirable that a force consisting of 12,500 men should be under the management and control of a person experienced in military matters; in fact, the City of Dublin police itself was under the command of a military man. Then objection was taken to arming the force with the rifle, and it was assumed that, because they were supplied with the same arm as the Line, they were assuming too military an appearance. But the constabulary had always been armed with the same weapon as the infantry, and being armed like the infantry with the rifle, it was necessary they should be instructed in the use of that weapon. Then the Grand Jury went on to say that there was a large reserve of police in Dublin, for the support of which all the counties were taxed. That, however, was not the case, for the

Grand Jury ought to know that the counties did not pay any portion of the expenses of the reserve force, or of the recruits under instruction at the dépôt. The allegations in the representation of the Grand Jury of the county of Limerick did not therefore appear to call for any action on the part of the Irish Government.

#### UNITED STATES—PAPER CURRENCY OF THE FEDERAL STATES.

##### QUESTION.

MR. POTTER said, he would beg to ask the President of the Board of Trade, Whether his attention has been called to the practical increase of Duties on Imports into the United States consequent upon such Duties being payable only in specie, the premium on such specie being likely to be excessive owing to the gradually increasing depreciation of American Paper Currency?

MR. MILNER GIBSON said, that at present the Government had received no information that Congress had passed any Act declaring that Import Duties should be paid in specie. It might be so, but he was not aware that such was the fact. Of course the effect in such case would be what the hon. Member had described.

#### ITALY—RUMOURED EXCESSES IN SOUTHERN ITALY.—QUESTION.

SIR GEORGE BOWYER said, he rose to ask the First Lord of the Treasury regarding certain events which have recently taken place in the Kingdom of the Two Sicilies. He had been informed that lately the Archbishop of Amalfi having died, his body was lying in state in the cathedral; and that, while the funeral service was being chanted by the clergy, a party of revolutionists rushed into the church with drawn daggers, and repeatedly stabbed the corpse of the prelate. He had also been informed that an expectation existed at Naples, that the tombs of the Royal Family in the church of St. Chiara, were about to be attacked and violated by the revolutionary party, and it was believed that the Piedmontese police were willing to connive at these outrages. He was also informed that her Royal Highness the Countess d'Aquila, sister of the Emperor of Brazil, and who had two children buried in that church, had called for the protection of the Brazilian Legation, and that its protection had been given to preserve the remains

of those children from the outrage that threatened them. The question he had to ask was, Whether the Government had received information on these subjects; and also whether they had addressed any, and, if so, what remonstrances to the Government of Turin, with regard to the insecurity of persons and property in the South of Italy?

VISCOUNT PALMERSTON: Sir, I can only say that Her Majesty's Government have received no information of any sort or kind with regard to the events that the hon. and learned Baronet supposes to have passed, or to be about to pass in Southern Italy. The hon. and learned Gentleman speaks of the "Kingdom of the Two Sicilies," but that Kingdom has ceased to exist. I must say I entertain some doubts as to the correctness of the information which he has received in regard to the events which he supposes to have taken place; and should he permit me to do so, I would advise him to receive with considerable caution any statements that may be made to him by persons in Italy with regard to supposed intentions attributed to those who are under the authority of the King of Italy.

#### THE INDIAN NAVY.—QUESTION.

SIR JAMES ELPHINSTONE said, he would beg to ask the Secretary of State for India, Certain reductions having been made in the strength of the force of the Indian Navy since last Session of Parliament, what are the intentions of Government as to the future prospects and position of the Officers of that Service?

SIR CHARLES WOOD said, it was impossible to state, in answer to the question of the hon. Gentleman, what were the intentions of the Government in regard to the Indian Navy. Instructions had been sent to the Government of India with reference to the Indian Navy, but they had not been complied with, the Indian Government having taken a different view of the matter. The Home Government would have to answer the letter received from the Indian Government; and if the hon. Gentleman would postpone the Motion he had placed on the paper for the correspondence until that letter was sent, there would be no objection, ultimately, to lay the whole correspondence on the table. That would be the only complete answer that could be given to the question of the hon. Gentleman.

*Sir Robert Peel*



## SUPPLY.

Order for Committee read.

## THE INDIAN ARMY.—QUESTION.

SIR MINTO FARQUHAR said, he rose to ask the Secretary of State for India, in consequence of his having authorized the Government of India to reduce the youngest of the regiments of Cavalry lately formed in Bengal, what would be, in the event of such authority being acted upon, the position of the officers and men? An official statement had been made that the Government of Bengal, finding they had more cavalry regiments than they required, had determined to send home the Queen's Bays. The Home Government, it was stated, thereupon wrote to give the Indian Government authority, instead of sending home an old regiment, to reduce the youngest cavalry regiment which had been formed out of the local European cavalry regiments—namely, the 21st Hussars. He should not have directed the attention of the House to the subject, had not the House constituted itself a Court of Appeal upon questions affecting the late Indian Army. It would be in the recollection of hon. Members that in the Act of 1858, which transferred the Government of India from the East India Company to Her Majesty, it was provided by the 56th section that the pay, pensions, allowances, privileges and promotion in the Indian Army were to be in the same position as when the Indian Army was under the East India Company. Not satisfied even with that provision, the House manifested its determination to see that justice was done to the officers of the Indian Army by accepting a clause proposed by his right hon. Friend (Mr. Henley) in the Act of 1860, which resulted in the amalgamation of the Indian with the Royal Army, which repeated the guarantee given by the Act of 1858. Lord Derby stated at the time, when he was at the head of the Government, that the expectations of the officers of the Indian Army ought to be considered, and the right hon. Gentleman (Sir Charles Wood) assured the House that no material alteration would be made in the position of the officers of the Indian Army, and said, in 1860, he did not know how Government could give a better pledge of the sincerity of their intentions than by accepting gladly and willingly the clause of the right hon. Gentleman the member for Oxfordshire (Mr. Henley). Before the rebellion there were ten regi-

ments of Native cavalry. Several of the officers were murdered, but those who escaped did their duty bravely. Upon the suppression of the mutiny it was determined to have Native cavalry regiments no longer, and, after various changes of policy on the part of the Government, there appeared in the *Calcutta Gazette* of the 22nd of April last a General Order, issued by the Government of India, upon the authority of the Home Government, in which the whole scheme of the amalgamation of the Indian and Royal Armies was clearly laid down. In that order it was declared that no alteration would be made in the position of the officers or men without their consent, and those belonging to the Local European Cavalry and Infantry were invited to volunteer under the general conditions of service of Her Majesty's Army, into three new Regiments of Cavalry and nine new Regiments of Infantry to be added to the Royal Army. The same power which had created a regiment, could, of course, reduce it, and therefore, if there were more regiments in India than were absolutely required, it was competent to the Indian Government to propose that those regiments should not be retained in that country. It could not be supposed that the officers would have volunteered into the new regiments if they could have thought it possible that within ten months of the time when the General Order was issued it would be stated by the Secretary for India in that House, that if the Indian Government did not require a cavalry regiment, they had his authority to reduce it whenever they pleased. Now the question he had to ask was, what would be the position of the officers who had volunteered into the new regiments if these regiments were to be thus reduced? Were they to be restored to the position in which they were before they volunteered, and to be in the local service of the Government in India, or were they to be sent home and put on half-pay?

MR. ADAMS said, that the officers of the Indian Army were already in such an uncertain position, that any circumstance at all tending to increase that uncertainty could not fail to exercise a most injurious influence. He could mention cases in which officers had gone out to India, but finding their services were not required, had been obliged to remain in Calcutta doing nothing; and though some few might have obtained appointments, an

order might, at any moment, send them adrift. He did not mean to say that the army in India ought never to be reduced, but he trusted that the announcement made in the House the other night would not be carried into effect.

COLONEL SYKES said, he wished to ask upon what principle the Secretary of State proposed to act in reducing the youngest of the cavalry regiments of Bengal? He contended that the Indian regiments ought to take rank according to the dates at which they had been raised; whereas it was proposed to reduce the very regiments which had fought at Plassy and Buxar. Nothing could have been stronger than the assurances of the right hon. Gentleman that the pay and allowances of the officers of those regiments should remain exactly the same as hitherto, and yet those assurances were about to be violated. It would be found much better policy to retain old than to form new regiments.

MR. VANSITTART said, he regretted the hardship to which the officers of the reduced regiments would be subjected. They could never hope to command a troop in the regiments to which they might be temporarily attached, because such a proceeding would necessarily be very unjust to the officers of those regiments. Consequently, it appeared to him that they would lose one-half of their emoluments.

SIR CHARLES WOOD said, he regretted as much as any one that there should be any uncertainty in the position of the officers. He hoped, however, to be permitted to observe, that the uncertainty arose in a great measure from the consideration which the Government had endeavoured to give to the position of the officers by creating favourable terms of retirement with a view to mitigate the hardship which, he readily admitted, had been incurred by some officers in consequence not of the amalgamation, but of the present reduction of the army in India. It would, however, have been quite as competent for the Court of Directors to have made the reduction as for Her Majesty's Government; and, undoubtedly, they would have done so, as nobody is prepared to maintain that the Native army should not be reduced. That reduction must inevitably entail some amount of hardship on the officers. With regard to the particular question, he had stated on a former occasion under what cir-

cumstances it had arisen. Those circumstances were certainly in no degree attributable to the line of conduct pursued by the Home Government. The first demand of the Indian Government was for a much larger number of regiments than the India Office thought sufficient. If therefore that Government had altered its tone so as not only to come down to what the India Office sanctioned, but even below it, that was not the fault of the authorities at home. The first consideration, of course, was, what was the force required for India; for it was manifestly unjust to impose on the revenues of that country the cost of the maintenance of a number of extra regiments beyond the absolute requirements. Then the question was, what could be done with the regiments which, in the opinion of the Government of India, were unnecessary? It was not his opinion or the opinion of the Commander-in-Chief that there were too many regiments; but it was not for him to force the Government of India to maintain regiments of cavalry which they thought unnecessary. The hon. Baronet had asked what would be the position of certain officers to whom he had referred. Those officers had volunteered for general service, but they were at present in the Indian Service. Supposing the Government of India determined not to form the regiment, then their services in a regiment of the Line would not be required, and they would remain, as at present, officers of the Indian army, to be employed in such manner as the Government of India could best provide employment for them. They were therefore neither better nor worse off than their brethren, the officers of the other regiments in the Indian army. He was not aware of the exact feeling of the Indian Government on the subject, but he was inclined to think, from what he had heard, that they had changed their opinion as to the number of regiments requisite in Bengal, and that the regiment would be formed.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### CESSION OF ITALIAN TERRITORY TO FRANCE.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether the Secretary of State for Foreign Affairs will



endeavour to ascertain that there is no intention on the part of the new Italian Ministry of entertaining any question of the Cession of any Territory now belonging to the Italian Kingdom to France, under any pretence or consideration whatever; and to move an Address for Copy of any Communications relating to that subject which may have taken place with the late Italian Government? He thought that events which had recently occurred were calculated to excite distrust on the subject to which he desired to call attention. A distinguished and patriotic Italian minister had lately quitted office, chiefly, it is supposed, through the influence of the French Government, in connection with which it was remarkable that his successor had last autumn made a sort of political visit to the French capital, the object of which at the time was supposed to be sufficiently significant as canvassing for the support of the French Government, and was much commented upon in the foreign papers; and a letter which had been published in the *Ami de la Religion* on the 8th November last gave some reason for suspicion that a cession of the nature to which his question referred was actually in contemplation. In that letter it was stated that "Sardinia was always neglected by and of little political utility to the House of Savoy, and that, in the possession of France, on the contrary, Cagliari, which was one of the finest natural harbours, would become one of the strongest positions in the Mediterranean." The writer added, that "the idea of uniting themselves to a great nation and the hatred produced among the Catholic inhabitants of the island by the attack of King Victor Emmanuel on the Papacy were fast detaching them from Piedmont." By the retirement of Baron Ricasoli from office one great obstacle to any scheme which might exist for the cession of some part of the Italian territory to France had been removed; for every one knew that the head of the new Ministry at Turin, Signor Ratazzi, was a decided partisan of a more intimate alliance than had yet subsisted between the Italian Government and the Government of the Emperor of the French. Now, Signor Ratazzi, on occasion of a dinner that was given to him at Paris in November, expressed himself to the effect that "Italy would never forget what she owed to the Emperor Napoleon and the French army;" further observing that "in the present era of the reconstitu-

tion of nationalities the union of the Latin race must not be regarded as a vain idea; and that when the hour came France would see how well Italy understood the debt of gratitude which she owed her." The hon. Gentleman also quoted passages from *Le Pays*, in which that journal said that a Cabinet under the Presidency of Signor Ratazzi, was the best token of a good understanding between Italy and France. All these passages showed that the French press considered that the advent of M. Ratazzi to power, would confer some tangible advantage upon French interests. It was universally understood that the Island of Sardinia was the portion of the Italian territory of which the French Emperor was particularly anxious to obtain possession, and a statement had appeared in the public prints to the effect that Baron Ricasoli, before his removal from office, had informed the British Government that a certain pressure had been put upon him for the cession of that island to France. He (Mr. Darby Griffith) should be glad to know whether there was any truth in that rumour; and in conclusion he had to move for any communications which might have taken place between Her Majesty's Government and the Government of Italy upon that subject?

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of any Communications relating to the Cession of any Territory belonging to the Italian Kingdom to France, which may have taken place with the late Italian Government,'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LAYARD said, it was a very important question. The hon. Member had a perfect right to bring it before the House, and he was obliged to him for the courteous way in which he had done so. He trusted that the House would feel grateful to the hon. Member for the vigilance which he exercised in all matters connected with our foreign relations; but he hoped the hon. Gentleman would not think it necessary that he should follow him in the somewhat discursive speech in which he had taken the House from the Alps to the furthest end of Sicily. The question was very fully discussed last year, and after the ample statement then made by so high an

authority as the noble Earl at the head of the Foreign Office, he thought it scarcely necessary, not to say becoming, for him to dwell upon the subject at length. Earl Russell stated, on that occasion, that he had received a most distinct assurance from Baron Ricasoli that not an inch of Italian ground would be ceded to France. The noble Earl also stated his belief that it was not the intention of the Emperor of the French to ask for the cession of the Island of Sardinia. He would fain hope that the opinion then expressed by Earl Russell was well founded. Her Majesty's Government accepted the assurance of Baron Ricasoli, not as a mere personal assurance from him, but as an assurance which he was authorized to make by the King of Italy and by his Government; and he should regard it as an affront to the King of Italy and to the great Italian nation if, for one moment, the loyalty of that assurance were doubted. He thought it would not be becoming for the House to imply any doubt as to the sincerity of that assurance by asking that it should be renewed. Her Majesty's Government had accepted it as coming from the King of Italy, and they had full reliance upon the good faith and loyalty of that Sovereign. It was hardly necessary that he should say more upon this subject. Nor would he enter into an argument with the hon. Member opposite with respect to the conduct of Count Cavour. The hon. Member had correctly represented what he stated last year. He trusted that what had happened would never occur again. He regretted to say that the Government were unable to give the hon. Member the papers for which he had moved. He trusted the hon. Gentleman would not press his Motion, because it would not be convenient for the public service that the papers, such as they were, should be laid on the table.

Mr. DARBY GRIFFITH begged to be informed whether the fact was that there were no papers on the subject, or that the hon. Gentleman declined to produce them?

Mr. LAYARD said, if there were no papers, he could not of course decline to produce them.

Amendment, by leave, *withdrawn*.

Question again proposed.

#### REFORMS IN TURKEY.

##### OBSERVATIONS.

Mr. FREELAND in rising to call attention to the Papers presented in 1861,

*Mr. Layard*

relating to Reforms in Turkey and to the mission of Lord Hobart and Mr. Foster to Constantinople, and to move an Address for copies of their Report on the Finances of Turkey, and of any correspondence that may have taken place between the Governments of France and England, relative to their mission, said: I very much regret, Sir, that my hon. Friend, the Member for Manchester (Mr. Bazley), who had intended to second and speak upon this Motion, has been obliged to go into the North, and that I shall lose the benefit of his valuable assistance. I must ask therefore, for the kind indulgence of the House while I call attention to the matters to which my Motion refers, and to the important English interests, commercial and political, which are involved in this exceedingly grave Turkish Question. I will not weary the House by any attempt to plunge into the mysteries of Turkish Finance, or by laying before it any details or supposed details of Turkish Revenue and Expenditure; we have quite enough to do with the details of Finance at home, and it is our first duty to press upon the Government of this country the necessity, if possible, of reducing our own enormous expenditure especially at a period when a large portion of our population is suffering from extreme distress—distress unavoidable but most nobly borne; and here let me say in passing to those suffering masses, that there is one thing which makes nations great in history, and in the long run populations happy, and that is the triumph of great principles over the lower motives of immediate personal or national gain. What I wish on the present occasion, is to call attention to the position of English interests in connection with the Turkish question; and to ask respectfully for that information of which the Government are in possession, which Gentlemen discharging important functions in this country have been sent to Constantinople to obtain, information which the people of this country, largely interested politically and commercially in everything which relates to Turkey, are I think not less entitled than any Member of Her Majesty's Government to possess. I wish also in very few words to advert to some of the leading reforms in Turkey, of which Lord Russell in able despatches has advised the adoption, and to ask whether substantial progress has been made in giving effect to any of them. At the present moment it



is most desirable that we should have an expression of public opinion upon this subject. The Turkish Government, it is said, wants a fresh loan, and the capitalists of this country will be asked to provide one. Lord Russell in the papers presented to Parliament on reforms in Turkey says, and says truly, that public credit must follow and cannot precede reform. Lord Stratford tells us that public opinion, save in extreme cases, has no legitimate action in Turkey, and that the motive power must come from abroad. If, then, a loan is wanted, if reform must precede it, and if the action of public opinion cannot be brought to bear in Constantinople, an expression of public opinion here may have an effect in accelerating the march of reform in Turkey such as no other step that could be taken would have. Through banks, through loans, through imports and exports this country has an extensive commercial interest in the progress and well-being of the Turkish Empire. We have, also, an immense political interest in everything affecting its stability. Our trade with Turkey is a trade of great extent and importance. Our exports to Turkey, not including, of course, those to Moldavia and Wallachia, to Syria, or to Egypt, in 1861, fell but little short in value of our exports to the whole of the northern and southern ports of Russia combined. In 1860 they largely exceeded them. In manufactured cottons our export trade with Russia is very small, but it is very considerable with Turkey. In the supply of cotton stuffs to Turkey we have distanced our old competitors, Austria and Switzerland; and the trade admits, I believe, of great extension. In cotton yarn the value of our exports to Turkey was in 1861 nearly double, and in 1860 more than treble the value of our exports to Russia. Our general exports to Turkey exceed in value and in some years largely our exports to Prussia, and very largely our exports to Austria. They exceed in value, and in some years largely, our exports to Spain. Taking the last three years together, they have exceeded in value our exports to China by a sum of between two and three millions sterling. The total value of our exports to Turkey in 1861 was £2,988,443; in 1860 they amounted to £4,408,910—nearly four millions and a half. No doubt a large portion of these exports, though carried in ships that clear out for Constantinople, passes on to the Black Sea, and much of it passes in transit

by way of Trebizond to Persia. But it is Turkey, which holds in Constantinople the keys of this extensive commerce. And here, Sir, let me implore Her Majesty's Government, for it is of immense importance to English commerce, to use their utmost efforts to procure the construction by the Turkish Government of a good road, with substantial bridges, from Trebizond by way of Erzeroum to Persia. A vast transit trade passes along this route, and Russia, I am informed, is making great efforts to divert it to the route by Baku and Poti which would be under her own control. The political and commercial consequences of such a diversion would be most serious, and I hope that the earnest attention of the Government will be directed to this transit trade. The whole of our extensive export trade with Turkey is materially affected by the financial and other derangements in that country. Our exports in 1861 were much less than in either of the two preceding years, and the trade returns for the first month of the present year show a still more serious diminution. A sound financial system lies at the root of all commercial operations and confidence, especially in a country governed as Turkey is by a despotism. Where the finances are in disorder, no man knows, from day to day, upon what branch of commerce or of productive industry the burden of State necessities, in the shape of oppressive or unwise taxation, may chance to fall. Our imports from Turkey are also of considerable magnitude. In 1861 the total value of them was £3,178,109. The chief items are madder, maize, and goat's wool or hair. I wish I could have added to these three the article of cotton. A Committee formed for promoting improvements in Syria, on which I sat last year, in conjunction with my hon. Friend the Under Secretary for Foreign Affairs and others not Members of this House, made great efforts, and instituted inquiries, in order, if possible, to introduce the culture of cotton into Syria. I hope that my hon. Friend will be able to tell us that the Government have done something in order to induce the Turkish Government to improve their roads, for on this, after all, the culture of cotton must to a great extent depend. The improvement of the roads in Turkey was promised, if I remember rightly, in the *Hatti Humayoun* of 1856. I want to know if that promise has been redeemed.

But, Sir, not only have we great com-

mercial interests involved in the Turkish Empire, we have a great political interest in its stability as affecting the balance of power in Europe; as affecting our interests in the Mediterranean, and perhaps ultimately more than one of our routes to India—I mean the routes by the Euphrates and by Egypt. Lord Chatham, we are told, said that he did not take the trouble to discuss the question of the East with any one who did not see that the independence of the Ottoman Empire was a question of life and death for Great Britain. But, Sir, there lies also in the background of this grave Eastern question a great danger. Lord Stratford de Redcliffe has referred to it in the able memorandum written, he says, as a last act of duty on leaving Constantinople. If Turkey is to continue weak, there lies, says Lord Stratford, in its continued weakness, the danger of a grand European struggle for its partition. To the protection of Turkey from such a source of danger, to the maintenance of its independence, prompt reforms and above all things the restoration of a sound financial condition are indispensable. Lord Russell seems to feel this strongly. In January of last year he directed our ambassador to call the serious attention of the Porte to the disordered state of its finances. In the following April he sent Lord Hobart and Mr. Foster to Constantinople to examine into, advise, and report upon them. Those gentlemen went to Constantinople. I believe that they were well received. They must have had great difficulties to encounter in dealing with Turkish accounts, but I believe that they surmounted them. After remaining in Constantinople six months they returned to England, and made a report, which, if produced, would, I have no doubt, prove to be a very full and valuable one on the finances of Turkey. This is one of the papers for which I ask on behalf of the public. As a loan is to be applied for, I think that the public are entitled to see it. Lord Russell in his instructions to Lord Hobart and Mr. Foster pointed out as an object of the utmost importance “publicity of the accounts of revenue and expenditure.” Is publicity to be claimed at Constantinople and withheld in England? I believe that the action of public opinion in England which would follow publicity is the next best thing to the action of public opinion in Turkey, which at present we cannot hope to obtain. The *Morning Post*, which is supposed to enjoy

*Mr. Freeland*

the confidence of a distinguished portion of the Government, gave in November last what purported to be an account of this report. It anticipated the figures. It expressed its belief that the report of Lord Hobart and Mr. Foster would be found to be the most satisfactory and reassuring statement that had ever been presented touching the finances of the Turkish Empire. I know nothing of the report, and have no means of knowing its contents. I believe that, if published, it would show that there are considerable disorders in the finances of Turkey, but that the disorders which prevailed were within the reach of remedies if the Turkish Government would but set about the work of reform in a decided, prompt, and vigorous manner. Everything depends on that.

As to the general reforms mentioned in the papers which have been laid before us, I shall only refer in few words to some of those most wanted, in order to ask my hon. Friend whether any substantial progress has been made in effecting them. Sir Henry Bulwer, writing in February, 1861, mentions three as most important. 1. The reorganization of the general system of police; 2. Reforms in the mode of levying the tithes; 3. The Reforms relating to the admission of Christian evidence in the tribunals. Now, I wish to ask my hon. Friend: Has the police been reformed? Are the tithes levied fairly, or is the produce left to rot on the ground until it pleases the assessor to come and extort, instead of a tenth, perhaps a fifth of its value? I wish also to ask: Is Christian evidence really admitted on equal terms before the tribunals? That is a very delicate and difficult question, and I shall be glad to know that some real progress has been made in relation to it. With regard to Financial Reforms adverted to, a telegram has been received this morning from Constantinople; but it only gives results, not details. Perhaps the Government can inform the House whether anything has been done to carry out those recommended by Lord Russell in his despatch of April in last year? Well then, Sir, I am anxious to know in what position we stand in this matter of the financial mission as regards our great ally the Emperor of the French. Was it proposed to him to unite with us in this financial mission? Was there any correspondence on the subject between the two Governments; and, if so, can it be



produced? I do not ask this question, and it is one which I will not press, as matter of mere idle curiosity; but I feel most anxious upon this point, because, having for many years devoted much attention to this extremely interesting and, as I believe, important subject, I am convinced that the frank and cordial co-operation of the French and English Governments in connection with the Eastern Question is of the utmost importance both to the well-being of Turkey, and to the maintenance of European peace. I have referred, Sir, to the policy of Lord Chatham on the Eastern Question. That policy has been adopted by great ministers in England, though connected with different political parties. The policy of France has, I rejoice to think, been in the main identical with our own. It was referred to by M. Guizot some twenty-three years since as the policy of Henri IV., the policy of Richelieu, the policy of Louis XIV., the policy of the first Napoleon. It was defined to be, to maintain the balance of power in Europe, and, as a means of maintaining it, to maintain the Ottoman Empire according to the circumstances of the time and within the limits of the possible. I hope, Sir, that these last words do not now involve the risk of any possible divergence in the policy of France and England with reference to the Eastern Question. Since they were uttered, France and England have acted in concert in the Crimean war, at the Treaty of Paris, and in Syria. Our Ambassador has informed us that at Constantinople M. Thouvenel always acted in the most friendly manner. I believe, Sir, that France will loyally continue so to act that she will not undo at Alexandria or in Syria that which she does at Constantinople. I do most earnestly hope that all the Great Powers, but the Governments of France and England in particular, in their relations with that interesting country and with those interesting populations to which my Motion refers, will look, not to the objects which sometimes prevailed formerly of gaining partisans in this sect or in that sect, among the Druses or the Maronites, the Protestants or the Catholics, the Greeks or the Armenians, but rather to the interests of the native races without distinction of race or creed, as well as to those great interests of humanity and civilization which, to a large extent, are mixed up with this important question. I trust that, in the interest of the native

races, they will urge conjointly on the Government of the Porte, the adoption of large administrative and sound financial reforms—such reforms as I believe that the report of Lord Hobart and Mr. Foster have pointed out. On the prompt adoption of such reforms, not only the well-being of Turkey, but her national existence may depend. But, Sir, I trust that England and France, while acting in concert for the good of Turkey, will tell our friends the Turks frankly and plainly that, whether for financial reforms or independence, their opportunity has come—that in the history of nations as well as of individuals opportunities once lost seldom recur. They have upon the throne a young, sagacious, and energetic Sovereign. They have at the head of their Divan an able and enlightened Minister. The presence of Riza Pasha in the capital, and of Mehemet Ali Pasha in the Ministry, are, it is true, serious obstacles to the return of local or European confidence; but I trust that the firm will and clear-sightedness of the Sultan will speedily remove those obstacles. What Turkey wants is not continual interventions, not mediation, not a succession of financial missions, not wars waged by foreign nations to sustain her at a fearful sacrifice of life and treasure. She wants that strength which lies within her reach—that strength which springs from Hatti Sherifs and Hatti Humayouns not resting as idle promises on paper but enforced in practice—that strength which springs from wise laws well administered—that strength which enables Governments to throw themselves on the attachment of a well-governed people, and to repel not only foreign invasions, but even interventions, if necessary, by force of arms. Believing that to the maintenance of the independence of Turkey the adoption of a sound system of finance is indispensable,—believing that the publication in this country of the report of Lord Hobart and Mr. Foster will accelerate the adoption of such a system, I beg, Sir, to place in your hands the Motion which stands on the Notice Paper in my name.

#### Amendment proposed,

“To leave out from the word ‘That’ to the end of the Question, in order to add the words ‘an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of the Report of Lord Hobart and Mr. Foster on the Finances of Turkey, and of any Correspondence that may have taken place between the

Governments of France and England relative to their Mission to Constantinople,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LAYARD said, he rejoiced to find that there was an hon. Member of that House who took so much interest in the well-being of the Turkish Empire as his hon. Friend; and certainly his hon. Friend was, perhaps, as well entitled as any hon. Member to be heard on a subject to which he had given much attention. He entirely agreed with him that the interests of the Turkish Empire were intimately connected with those of this country. The maintenance of Turkey as a powerful, prosperous, and independent empire was a wise policy—a policy which had ever been advocated by the noble Lord now at the head of Her Majesty's Government, and which ought always to be advocated by any future Government of England. He equally concurred in the view taken by his hon. Friend as to the necessity for a cordial understanding on that matter with France. If this country and France understood one another, little fear need be entertained with regard to the independence of the Turkish Empire. His hon. Friend had dwelt on the state of Turkish finance. No doubt the independence and prosperity of an empire mainly depended upon the condition of its finances, and not long ago the state of Turkish finance was by no means encouraging. During the reign of the late Sultan the confusion seemed to increase almost daily. The civil list was exceeded by a very large amount; there was an entire want of control over the different officers of State, misgovernment in the provinces, foreign war, internal insurrection; and, to embarrass the Government still more, the salaries of all the public servants were in arrear, and the pay of the troops, generally speaking, from one year to two years behindhand. Attempts were made to remedy these evils, but without much success. Budgets were published, but they did little to satisfy the public, and much reliance could not be placed upon them. The consequence was that the exchange upon this country fell to an unprecedented extent, and the credit of the Turkish Empire, which ought to stand as high as that of any other country in the world, was almost destroyed

in Europe. The late Sultan died, and was succeeded by the present Sultan Abdul Aziz. Although, according to established custom in Turkey, he had been excluded, while heir to the throne, from all connection with the outer world, some reports favourable to the character of Abdul Aziz had passed beyond the narrow precincts to which he was confined; and certainly those reports had not proved to be unfounded. The new Sovereign had shown great vigour of mind, great energy of character, great ability, and, what was even more than all these, an ardent love of his country, and an earnest desire to raise it to that prosperity which it deserved to attain. On ascending the throne he immediately set about making changes which he thought essential to the welfare of Turkey. Not only did he insist on these reforms being carried out by others, but he set the example himself. He at once reduced the civil list very considerably. Finding the salaries of the public servants in arrear, out of the savings of only a few months he himself sent a sum of money amounting to about £100,000 to pay up those arrears. Every department of the public service had been under his immediate supervision. It was of course difficult for a Prince who ascended the throne without that experience of government or knowledge of men which heirs to the Crown in the rest of Europe generally acquired, to initiate great reforms himself, or to carry them through successfully at once. But the present Sultan had shown so anxious a desire to introduce and to carry out reforms, that no doubt he would ultimately succeed—indeed, he had already succeeded to a degree far beyond what might have been expected. The difficulties with which he was surrounded were entirely inherited. The condition of Turkish finance during the reign of his predecessor had been such as to cause great anxiety to Her Majesty's Government. Earl Russell, who had always felt a deep interest in Turkey, had been desirous that something should be done to put her finances in order; and it was suggested that some gentlemen from this country, acquainted with our system of financial administration, should be sent out to Constantinople to inquire into the state of the Turkish finances and give their advice and assistance to the Turkish Government. Two gentlemen were selected for this purpose—one of them Mr. Forster, of the Pay Office, the other Lord Hobart,



of the Board of Trade—both having great experience and being well-known in their respective departments. They went to Constantinople, and were received very cordially by the Turkish Government, who evinced great confidence in them, placed at their disposal all the information they possessed, and gave them permission to inspect the public accounts. Moreover, the Commissioners obtained most valuable aid from Her Majesty's Ambassador, who had devoted great attention to Turkish finance, and derived great assistance from our Consuls and Vice Consuls in Turkey, men of great intelligence and attainments, who furnished reports upon the condition of the various provinces with which they were connected. Upon the information thus procured those two gentlemen prepared a report, which they submitted to the Sultan and the Turkish Government. Whatever his hon. Friend had heard of that report, it certainly deserved all the praise that had been bestowed upon it. It was a most able, and, what was of more importance, a very practical document. It suggested no wild schemes; it did not recommend to the Porte any of those extravagant measures the adoption of which had been over and over again pressed upon it; for no sick man had ever had a greater variety of prescriptions urged upon him by the physicians assembled round his couch than had the unfortunate Turkish Empire. The reforms and measures suggested were eminently practical, and could be at once adopted by the Turkish Government; but, perhaps, the most gratifying feature of the report was, that it showed there was nothing fundamentally rotten or bad in the state of Turkish finance, that the difficulties into which it had fallen arose entirely from mismanagement and want of experience, and that with a very little sound management and good will those difficulties could be got over and a balance restored between revenue and expenditure. The report, as he had stated, was prepared to be submitted to the Sultan and the Turkish Government. Those gentlemen were not sent out directly for the service of this country, but for that of the Turkish Government. It was the desire of Her Majesty's Government that their knowledge and experience should be placed at the command of the Turkish Government. On that understanding the Turkish Government had treated them with great con-

fidence, and had placed all the information they possessed at their disposal. His hon. Friend would therefore see that it would be a breach of the confidence reposed in the Commissioners, and consequently in Her Majesty's Government also, to publish the report, unless the consent of the Turkish Government were previously obtained. The report had not been prepared for idle purposes. Its object was to show the Turkish Government how they could remedy the present state of things, and regulate their finance so as to restore an equilibrium between revenue and expenditure. It was very possible that the publication of the report at the present moment would frustrate the object in view. Therefore, if hon. Members wished to serve Turkey, that object would be better accomplished by withholding the report until the recommendations therein contained should have been carried out. Her Majesty's Government had no objection to the production of the document other than this, that it might defeat the object which they wished to see accomplished. When that object should have been attained, and the consent of the Turkish Government obtained, they would immediately produce it. His hon. Friend had asked what reforms had been effected in Turkey. His reply was, that very considerable reforms had been already carried out, while others were in progress. In the first place, the present Sultan on coming to the throne endeavoured to find out the most capable, and, what was still more important, the most honest men to whom he could confide the administration of public affairs. The first person he selected was Achmet Vefyk Effendi—whose name was already well known to those who took any interest in Turkey, a statesman of European reputation, he might say even of genius, of vast information, and of most scrupulous honesty—and placed him at the head of a very important department—the administration of the “*Vakoufs*” or property given in trust to mosques and religious bodies for charitable purposes, or to be held in trust for individuals. The “*Vakoufs*” formed a very large branch of public revenue. He believed that already the administration of that department by Achmet Vefyk Effendi had resulted in a considerable gain to the revenue. A commission of finance was also named, and at the head of it was placed Fuad Pasha, the present Prime Minister, a statesman well-known both in this country and

elsewhere for his great ability. His hon. Friend had alluded to the telegram which had announced that a budget had been published at Constantinople. He had not seen the details; but if what was stated in the telegram was true, it disclosed a very gratifying fact—namely, that the revenue of Turkey was £800,000 in excess of the expenditure. It was important to remember, that although Turkey had been in financial difficulties, her floating debt was very small. She had only £14,000,000 of foreign debt; and the whole interest on her foreign and domestic debts together amounted to only one-eighth of her revenue. Again, her taxation was exceedingly light—he believed only one-sixth of that of this country, but hitherto it had been very unequally distributed. The system of farming what might be termed the tithes referred to by his hon. Friend was a very old and objectionable one and much needed reform. The “Verghi,” a kind of property tax assessed on towns and villages, had not been changed for a long period of time. The consequence was, that sums levied on villages many years ago, when those villages were prosperous, were still raised, though the places were, comparatively speaking, deserted; and, *vice versé*, small sums imposed on a country that was thinly populated at the time the tax was assessed, were still collected, although the district had now become thickly inhabited. However, he believed it was the intention of the Sultan and his Government to revise the “Verghi,” and to do away with the farming system. Many of the financial difficulties of Turkey had arisen from the detestable system of farming the revenue. The present Sultan had determined to abolish that system, and had already done so to some extent. The consequence would be that the revenue would flow direct to the Turkish treasury, instead of being absorbed by nefarious agents through whose hands it had to pass. Another very important measure was the Treaty of Commerce just concluded with this country and other countries. Before that treaty was entered into, exports from Turkey were subject to a duty of 12 per cent. That had been at once reduced to 8 per cent, and was to be further reduced 1 per cent each year till it came down to 1 per cent. The imports were charged with a general duty of 8 per cent. He might say that no country had shown a

*Mr. Layard*

more liberal commercial spirit than Turkey, and he believed she would derive no small advantage from that liberality. The trade of Turkey was capable of great extension. No empire was richer in its resources; a vast extent of territory of every diversity of soil and climate, from Moldavia and Wallachia to the mouth of the Euphrates, yielded products of great variety and value, which would be brought into the market by the operation of the treaty. He believed that the treaty would prove of equal advantage to Turkey and to this country. In order to make up for temporary loss of revenue, the Turkish Government had made monopolies of tobacco and salt; and a duty was to be imposed on them, from which a large revenue would be realized. Another reform undertaken was the abolition of the separate credits of the Ministers. Under that very objectionable system each Minister had power to issue bonds for liabilities contracted in his own department; and as that power might be exercised without any restraint whatever, the Sultan could never possess an accurate knowledge of the state of his finances. That system had been abolished. A Finance Minister had been appointed, who would have the sole control of the finances of the country. His hon. Friend was desirous of knowing whether the system of police had been reformed. He believed that up to the present time no very extensive reform had been effected; but there were great difficulties in the way. He was sorry to say that the police in Constantinople and the principal cities were chiefly required, not for the Turks, but for the Europeans. The state of crime among the Mahomedan inhabitants of Constantinople would contrast favourably with that in any Christian city in Europe. There was a time when a Turk scarcely ever thought of locking his door when he retired to rest. Crime chiefly abounded among the foreign residents—for this reason: the European Powers through their representatives claimed, by virtue of what are termed “capitulations,” exclusive jurisdiction over their own subjects, and the Turkish police were not allowed to interfere. The consequence was, that crime was committed by foreigners with impunity. England was the first Power that offered to renounce this claim. To aid the Turks, we had now established at Constantinople a very efficient consular court, under Sir Edmund Hornby, by means of which law was dispensed, and



with its assistance the Turks were now better able to enforce good order among the subjects of this country. He trusted that in time an effective system of police would be introduced in Turkey. The admission of Christian evidence in Turkish courts of law was a very important point; and he could not help thinking that in the consideration of such a question this country did not always act fairly towards the Turks. We never made allowance for the immense difficulties which a Government, situated as that of Turkey was, had in introducing such reforms. We knew how many years—he might say centuries—it had taken in this country to introduce the most necessary reforms, more especially those connected with religion; and when we asked the Turks to put the Christian on the same footing as the Mahomedan, we ought to bear in mind that hitherto they had been taught to look on the Christian religion as an antagonistic element. It was not surprising, therefore, that they should be somewhat afraid to place Christians on the same legal footing as themselves. He had no doubt but that the best policy they could pursue would be to give the fullest liberty to their Christian fellow subjects, to concede to them equal rights with the Mahomedans, as they would thereby conciliate large numbers who were now discontented and antagonistic to the Government. The enlightened men now at the head of affairs in Turkey were, he believed, fully aware of this. The policy of religious and legal equality was initiated by that eminent statesman, Redschid Pasha, and Fuad Pasha was the most distinguished pupil in the school of politicians founded by him. Other leading politicians in Turkey were animated by the same spirit, and he believed that the time was not far distant when the Christian population would be put upon the same footing as the Mahomedan. Already, in the question of evidence, the reform had been carried through in the commercial courts. But we must give the Turkish Government time. Unfortunately, Turkey had never as yet had a fair chance. Internal peace and tranquillity were required for the introduction of great and important reforms. He did not wish at the present moment to enter into the reasons why Turkey had not had internal tranquillity. But there were elements which had been constantly at work. Whether these had been intended to prevent the prosperity of Turkey he did not

now pretend to say; but he did assert that those elements to which he had alluded had prevented the internal tranquillity of the country. Until time and opportunity had been afforded for the development of great reforms, it would be difficult for Turkey to advance with anything like rapid progress; but such was his confidence in the character of the Sultan, that he believed he would overcome all his difficulties, and that an era of prosperity was in store for Turkey. He had never altered his opinion. What he had stated when he was first returned to that House he now repeated—namely, that he had great hopes in Turkey. He did not, of course, for a moment attempt to justify the misgovernment and oppression which had existed in that country; but there was a fundamental honesty in the Turkish population which was greatly in their favour. The Government had shown equal honesty in their dealings with their foreign creditors. They paid the dividends on their foreign debts to the day. They had never been in arrear—they had never repudiated. It was true that, like other persons in difficulties, they had sometimes endeavoured to put off a large payment to the last moment; but they were strictly honest, and had shown themselves aware of the value of public credit. He thought that the Turkish Government could not do better than endeavour to carry out the able and practical suggestions contained in the valuable report, for which he hoped his hon. Friend would not press until a time when it might be laid on the table with the sanction of those for whose benefit it had been drawn up, and without detriment to their advantage.

MR. FREELAND said, that under the circumstances he had no objection to withdraw his Motion.

Amendment, by leave, *withdrawn*.

#### CONSOLIDATION OF THE STATUTES.

##### OBSERVATIONS.

SIR FITZROY KELLY said, he rose to call the attention of the House to the question of the Consolidation of the Statutes; and to ask Mr. Attorney General, Whether it is the intention of the Government to proceed with the Consolidation Bills prepared under the direction of the late Statute Law Commission? The present state of the question, and the little that remained to be done, would be best understood by the House if he gave a

short account of the consolidation of the statutes, and what had already been effected. For more than two centuries the subject had occupied the attention of legislators, lawyers, and statesmen; but nothing was effected in the way of legislation until the year 1826, when the late Sir Robert Peel, with the aid of Lord Tenterden, succeeded, although in a limited and imperfect manner, in consolidating the statutes relating to the criminal law. Political events for some time interrupted the course of legislation, but in the year 1833 the first Statute Law Commission — emanating from Lord Brougham, the great law reformer of the day, and who then held the seals—was appointed to consider the state of the statute law, and more especially the criminal law, and to submit to His Majesty a scheme by which that law could be consolidated. Between 1833 and 1852 inclusive no less than seven commissions were directed to some of the most experienced judges and lawyers of the day. Thirteen reports and numerous Bills, schemes and plans, were submitted to the Government from time to time; but inasmuch as all these schemes involved, not only the consolidation of the statutes and the amendment of the statute law, but also the impracticable task of the codification of the entire common law of England, the commissioners failed in their efforts. In 1852, under the auspices of Lord St. Leonards, Mr. Greaves and Mr. Lonsdale were instructed to submit a Bill to Parliament, not only for the consolidation and amendment, but also, to some extent, for the codification of the criminal law. A Bill was prepared; but when it came to be submitted to a Committee of the House of Lords, so large and extensive were its objects, and so many and so great the difficulties that beset the first step in the undertaking, that after some seven or eight days had been spent by the Law Lords, no more than three clauses of that Bill, which contained 1,000 provisions, were agreed to; and even with regard to these three clauses, considerable difference of opinion existed. Every scheme having failed, in 1854 Lord Cranworth, who then held the seals—and whom he could not name in connection with the subject without paying him the tribute of saying, that if the statute law of this country should ever be consolidated, more praise must be ascribed to that noble and learned Lord than to any other individual in the community — brought

*Sir Fitzroy Kelly*

into existence the Statute Law Commission. In 1856 the first real and effective steps were taken towards consolidation on a plan submitted to the Commission. It was found that the whole of the 40 volumes of statutes at large—each volume containing, on an average, not less than 1,000 closely-printed pages, and comprising altogether between 40,000 and 50,000 statutes—might, by a proper system of consolidation, be reduced to somewhere about four volumes, and that the 40,000 or 50,000 statutes might be reduced to some 200 or 300 in number, each statute being confined to a single subject, and embracing within itself all that pertained to that subject. In order to satisfy the Government of the day and the public that the task might be accomplished, the attempt was first made in relation to the criminal statute law. In 1856, with the assistance of Lord Chief Justice Jervis, Lord Wensleydale, and Mr. Greaves, the whole of the criminal law of England was consolidated and comprised within seven Bills which it was proposed to submit to Parliament. These Bills afforded a fair specimen of what could be effected in the way of consolidation. They were, however, too late to be laid before Parliament that Session. In 1857 they were brought into the House of Lords by Lord Cranworth. They underwent the consideration, and he thought he might say the severe criticism, of a Select Committee of the House of Lords. These Bills passed the House of Lords with some Amendments, and came down to the House of Commons in the course of that Session. Political questions, however, of greater moment, which had been so often fatal to the consolidation of the law, effectually prevented any further steps being taken at that time. Parliament was dissolved in the course of that Session, and when it re-assembled there were too many other matters demanding attention to permit of any further progress being made that year towards consolidation. In 1858 the Bills were again submitted to the House of Lords. In that year there was a change of Government, and it was found impossible to pass the Bills, even through their first effective stage in that House. A great deal however was done in 1858. The Statute Law Commission, satisfied with the success of the attempt to consolidate the criminal statute law, proceeded with the assistance of competent professors of



the law, to frame several other Bills, which they were prepared to submit to Parliament. Another event occurred in 1858 of the greatest importance in connection with the subject. The attention of his right hon. and learned Friend (Mr. Whiteside) having been directed to the subject, he was induced to undertake the assimilation of the criminal statute law of England and Ireland. He took counsel with the then Lord Chancellor of Ireland (Mr. Napier); and although it was found impossible to make any progress in 1858, yet at an early period of 1859 his right hon. and learned Friend, and those who assisted him, were prepared with a series of Amendments to the Bills, which had been almost perfected in England, by which the criminal statute law of the two countries was united and assimilated, and in effect, therefore, made to form a complete consolidation. In 1859 a dissolution of Parliament took place, and when Parliament reassembled it was impossible to do more than lay the measure on the table of the House. During 1860 these Bills were considered and revised, and in some respects amended by the present Government; and here, again, he could not but offer his humble tribute of praise to the noble Lord who now held the Great Seal, who, from the moment the question of consolidation was submitted to him, had done all that one man could do to aid in that great work. Those Bills, having passed through the House of Lords, afterwards passed through the Lower House, and the statute law of England and Ireland thus united and assimilated became a portion of the consolidated statute law of the realm. What had been done with the criminal statute law of England and Ireland might likewise be done with the other statutes of both countries. While all our criminal law had been thus consolidated in seven statutes, each upon one single branch of that law, but each embracing all the statutory provisions in respect of that one branch, we had nevertheless the law thus consolidated still dispersed through the statute-book in no less than 106 different Acts of Parliament. But how slight was the effect produced, and how almost useless were the efforts bestowed upon the matter, would be understood when he informed the House, that if any gentleman were to-morrow, upon becoming a Member of Parliament, a Barrister, or a Magistrate, to purchase the Statutes at large, he would probably have to pay a sum of 40 guineas

for about 42 volumes, containing, among the rest, the 106 statutes which had been repealed. It was obvious, before any consolidation of the law could be really effected, that some analysis of the whole of the statute law should take place—that some complete and accurate index should be framed, pointing out what statutes, and parts of statutes, were still in force and what had been repealed. Accordingly, two gentlemen, Mr. Wood and Mr. Riley, with some assistance, were instructed to prepare an expurgatorial index of the statutes, beginning with the year 1858 and going backward, taking the Acts of Parliament as they had been passed Session by Session, and arranging their provisions so as to show at one view what statutes were in force, what were repealed, what had expired, or become obsolete. It might interest the House to know that that work had been carried back to the year 1800, the time of the Union between England and Ireland, and that the statutes passed between 1800 and 1858 occupied 23 out of 42 volumes, and that (with the exception of local Acts) they were to be found *in extenso* in 6,887 Acts of Parliament. Therefore any one wishing to possess a moderate law library would have to pay a large price and to encumber himself with a load of nearly 7,000 statutes. He would now state what number of them were in force. Out of 6,887 statutes 3,371 were still wholly or in part, but many of them only in part, operative, and 3,516, or more than half to be found *in extenso* in every edition of the statutes at large, were absolutely waste paper. If those statutes were still further expurgated, and if the work recommended by the Statute Law Commission were proceeded with in a proper manner, it was manifest that those twenty-three volumes might be reduced to three; and those three, smaller in bulk than any of the twenty-three which now existed, would comprise the whole of the operative statute law of the kingdom, from the year 1800 to the present time. Although the Government had not proceeded with the Bills prepared by the Statute Law Commission, they had availed themselves largely of the expurgatorial index upon which Mr. Wood was engaged. In the last Session they had not only passed the Criminal Consolidation Acts, but they had passed one single Act, which by a clause of four or five lines repealed no less than 1,000 old Acts

of Parliament passed at various times, and many of which, though not before repealed, had become entirely obsolete. But the statute-book still remained the same, still consisted of forty-two volumes, still contained those Acts *in extenso*; and it became necessary for persons who wished to know the state of the law to find their way through forty-two volumes, and by the aid of the Repealing Act to see what laws were repealed and what were still in force. Now, if he were to stop there and put it to his hon. and learned Friend the Attorney General whether it was fit that the Government, having done so much, should hold their hands and do no more, the House would expect some insuperable difficulties to be suggested to justify the delay which had occurred in proceeding with this work. But he must remind his hon. and learned Friend that under the same auspices and sanctioned by the same authority which had justified the submission to Parliament of the seven consolidated statutes, no less than ninety Bills were now in existence requiring only the revision of some competent person to bring them into such a condition that they might be fearlessly laid by any lawyer upon the table of that House. During the time that the Statute Law Commission was in existence, from the beginning of 1856 to the end of 1859, in addition to the Criminal Acts of Parliament, those ninety Bills were framed upon almost all the most important subjects affecting the community. Were there any such formidable obstacles now existing as would prevent those Bills from being proceeded with, and thus having a great and important progress made in the consolidation of the statute law? If those ninety Bills were passed, that circumstance, taken in conjunction with what had been already done in the way of consolidation and repeal, would enable the statute book to be reduced from forty-two volumes to at most seven or eight. He was aware of the difficulty arising out of the question as to what tribunal or authority should be selected for the execution of the task; but if the creation of a Minister of Justice should be thought doubtful or impracticable, a Board, consisting of three or four lawyers of eminence, might be appointed to undertake the revision of those ninety Bills, and then to proceed to the consolidation of the remaining part of the statute law.

*Sir Fitzroy Kelly*

If expense were suggested as an objection to the adoption of such a system, he might mention that a calculation had been made showing that, were the suggestion of the Commissioners adopted with regard to the framing of Bills, no less than £60,000 a year might, in all probability, be saved in printing in relation to Bills and Acts of Parliament. He would, therefore, solicit the attention of Her Majesty's Attorney General to the expediency of giving effect to what had already been done in respect to the expurgatorial index of Mr. Wood and his colleague, and of proceeding with it and carrying it back at least to the time of Elizabeth or Henry VIII. He also wished to entreat the attention of his hon. and learned Friend the Attorney General to the ninety Bills already in existence. In conclusion, he would call the attention of the House and the Government to the last Report made to Her Majesty by the Statute Law Commission, in which it was stated—

“The time in which the whole work may be completed must depend on the number of hands employed; but assuming, as our experience enables us to do, that ten or twelve gentlemen may be constantly employed, we think it fair to anticipate that the whole work may be completed in about three years; and if at the end of that time we are able to present to your Majesty the whole of the Statutes coming under the class of General Laws, filling only about three volumes, but comprising all, or nearly all, the Statutes of a general nature now scattered in about forty volumes, we venture to think that our labours will not have been in vain.”

That Report was signed by Lords Stanley, Lyndhurst, Cranworth, and Wensleydale, Mr. Fitzgerald, now a Judge in Ireland, and various other eminent persons. He would rejoice to hear that Her Majesty's Government were disposed to persevere in the good work in which they had already made such progress.

MR. LOCKE said, it was extremely gratifying to hear from his hon. and learned Friend that the work of consolidation was, in point of fact, all but completed. The largest result, in the opinion of his hon. and learned Friend, the Member for Suffolk, that could possibly be expected was the reduction of the volumes of the statute law to four; and it appeared that owing to the labours already bestowed upon the work the number might be reduced to seven, as no less than ninety Bills were in existence, consolidating all the existing Acts upon as many different subject. It cer-



tainly seemed very extraordinary that those ninety Bills, prepared at such a great expense, should have been for so long a time allowed to remain in abeyance. In point of fact, if Her Majesty's Government were only to avail themselves of what was already made to hand, the laws of the land were consolidated. He begged to ask his learned Friend the Attorney General whether he intended so vast a mine of wealth to remain useless to the country? With respect to what had been accomplished during the last Session, he found from his own experience that the work was not quite so beneficial as his hon. and learned Friend opposite seemed to imagine. He referred to the consolidation of the criminal law which then took place; or, in other words, to the consolidation of what was known as Peel's Acts, and certain Irish Acts, with portions of other Acts. The consolidation of parts of Acts was a most objectionable mode of procedure, because, as was natural to suppose, every one having anything to do with criminal statutes would infinitely prefer having to consult only one Act of Parliament instead of two. He would take, for instance, the 14 & 15 *Vict.*, c. 100—one of Lord Campbell's Acts. Suppose it became necessary to refer to that Act, it would also be necessary to refer to the Criminal Statutes Repeal Act of last Session to ascertain whether any particular section in Lord Campbell's Act had been repealed in whole or in part, or not repealed at all. Lord Campbell's Act contained thirty-two sections, of which nine were wholly repealed, two partly repealed, and the rest left altogether unrepealed. As had already been admitted by the hon. and learned Attorney General, it would be requisite to introduce another Bill upon the subject of criminal law consolidation—namely, a Procedure Bill. His main object, however, was to impress upon his hon. and learned Friend the necessity of utilizing the ninety Bills already in existence. If the whole of them could not at once be passed into law, at least a selection could be made, and even then most valuable results would be attained.

THE ATTORNEY GENERAL said, that he need not follow his hon. and learned Friend through the history he had given of statute law consolidation for the last thirty years; but if he were to do so, he should not be at variance with him.

He entirely agreed in what had been said as to the importance of the expurgation and abridgment of the statute-book. He was happy to add, that for the purpose of carrying forward and finally accomplishing that most desirable work, persons of skill, and whose ability had been tested—he meant Mr. Wood and his colleague, Mr. Reilly—had been for some time past busily and zealously, and he had no doubt efficiently, continuing their labours. The Statute Law Commission, as the House were aware, was appointed in 1854. It proceeded with its work during the following years down to 1859. It engaged the assistance of gentlemen of experience in drawing bills, and these gentlemen, of course, required payment for their services. Session after session, a Vote was taken for the Statute Law Commission; but in 1859, the present Government being then in power, Lord Campbell announced in the House of Lords that it was not intended further to continue the commission; and the usual Vote, subsequently brought forward by accident, was opposed and negatived. Of course, the funds failing, the Commission fell to the ground. Mr. Wood and Mr. Reilly, who had been engaged in the preparation of that most admirable register to which allusion had been made by his hon. and learned Friend, were, however, instructed by the Government to proceed, and to take the proper steps for bringing out an expurgated edition of the statutes, containing only the acts in force, and omitting such as were only of a local and personal nature. The register of obsolete Acts had no doubt been found of great value in the preparation of the Repeal Act of last Session (the first of an intended series), which, on that account, had gone upwards from its date, instead of commencing with the earliest portion of the statute-book. But the register went no further back than to the commencement of the present century, and only included Acts of whose repeal there could be no doubt. The Repeal Act referred to occupied the same period as the register, but it proceeded thirty years higher up; and by that single enactment nearly a thousand Acts or parts of Acts had been rescinded, which, though manifestly obsolete, had not till then been formally repealed. There was a class of Acts which could not find its way into the Register, but which must be taken cognizance of for the purposes of the expur-

gated edition, inasmuch as they could not be said to be without legal force, although they might have grown somewhat inapplicable and obsolete. These Acts, which required to be repealed by Act of Parliament to make it perfectly clear that they no longer formed part of the statute-book, were—Acts repealed in general terms; Acts virtually repealed, as where an earlier enactment was inconsistent with or rendered nugatory by a later one; superseded Acts, as where a later enactment was to the same effect as an earlier one; and Acts which had become obsolete, either because the state of things contemplated by the enactment had ceased to exist, or because the enactment was of such a nature as to be no longer capable of being enforced. These were the classes of Acts with which the gentlemen whom he had mentioned had to deal, and, as he had said, an Act had been already passed whereby about 1,000 of these spent, repealed, and obsolete statutes were removed from the statute-book. The learned gentlemen who were engaged in that important work were continuing their labours. Another Bill had been laid on the table of the other House of Parliament towards the close of the last Session, carrying the work of expurgation from the earliest period to the end of the reign of Edward III. The Bill was not on that occasion further proceeded with; but it had been again taken up, and would be immediately continued to the end of the reign of Henry VII. A Bill so extended would, he hoped, become law during the present Session. The two volumes which contained the statutes of that period consisted of 1,092 pages; of these the forthcoming Bill would repeal 476, leaving 616, of which there would be excluded from the expurgated edition about 347, leaving to be printed only 269. He had received a communication from these two gentlemen stating their belief that an equal or greater reduction might be made in the reign of Henry VIII. and subsequent reigns. In that manner an effectual expurgation of the statutes would be accomplished. Thus far he believed he was in perfect accord with his hon. and learned Friend. But his hon. and learned Friend had further asked, whether it was the intention of the Government to proceed with the statutes prepared under the direction of the late Statute Law Commission. He presumed that his hon. and learned Friend was referring to the ninety

Bills which were prepared under the direction of the Commission. Now, he found, on reference to the last report of the Commission, dated in February 1859, a statement that the Bills had been prepared before the Commissioners had the advantage of the register which had been prepared. In consequence of that, they reported that some further change might be necessary; but they considered that some of the Bills were in a state in which they might properly be submitted to Parliament. Four of them, if he remembered rightly, had been laid on the table of the House of Lords; but in introducing them Lord Cranworth said, that they were produced merely as specimens, and not for the purpose of being passed through the House. Now he had seen the Bills, and whilst he would be the last man to disparage the labours of the Commission or of the learned gentlemen employed by it, he trusted he should not be misunderstood when he said, that the bulk of the Bills, he might say the Bills generally, were not in a condition to be laid before Parliament. He had no doubt that these bills contained a great mass of matter which would prove very valuable; and besides the construction of the Register, which was a very useful work, he believed none of the labours of the Commission would be unattended with advantage; but it was not the present intention of the Government to proceed with the Bills as they stood. He trusted, however, that they might see the work of expurgating the statute-book speedily accomplished.

#### THE BIBLE IN SPAIN.—QUESTION.

MR. KINNAIRD said, it would be in the recollection of the House that during the last Session the right hon. Baronet the Chief Secretary for Ireland on more than one occasion brought under their notice the case of certain people in Spain who had undergone persecution on account of their religious opinions. The right hon. Baronet stated the case with great ability, and he had no doubt that, although he had since accepted office, the right hon. Gentleman still remained true to his principles. But as the right hon. Gentleman could not from his official position put forward his views with the same freedom he had formerly done, he (Mr. Kinnaird) hoped he should be excused if he took up the question. The Spanish persecutions



commenced in 1859. In that year a naturalized British subject named Escalante was seized, and imprisoned in a loathsome dungeon for merely circulating the Scriptures. He was sentenced to nine years' penal servitude in the galleys; but owing to the intercession of the British Consul he obtained a remission of the sentence. The opinions for which he was persecuted, instead of being checked by the severity shown towards him, had, as was usual, only spread the more in Spain, as they had done in Italy, in France, and in other Roman Catholic countries. The Roman Catholic priesthood became alarmed, tracked the readers of the Bible through the agency of police spies, and subjected them to cruel persecution. The names of Matamoros and Alhama were already as familiar to the people of this country as those of the Madias were ten years ago. Since his right hon. Friend brought the subject before the House, those two unhappy men had been sentenced to seven years at the galleys, while to a third victim (Trigo) had been awarded four years of a similar servitude. An attempt had been made to connect them with certain political disturbances which had occurred in the district; but they had been honourably acquitted of the charge by the tribunal before which they were carried for trial. They had been condemned, therefore, to the galleys, for no other offence than that of professing those religious views which were held by the majority of our countrymen. An appeal had been raised from this iniquitous sentence, and he wished to impress on our Government the duty of an indignant and energetic remonstrance against its confirmation. Hon. Members could scarcely realize the consequences of the punishment to which those unhappy men had been condemned. To be sent to the galleys was not only to be stripped of every right of citizenship, but to be doomed to the companionship of murderers and felons, to wear a galling chain for years, to be denied letters or visits even from one's nearest relatives. Already Matamoros's strength was breaking down under his captivity. Originally an officer in the army, he had been compelled to throw up his commission on account of the faith which he held, and was subsequently thrown into prison in October, 1860, for the same reason. But these three men did not stand alone. The number of victims to persecution had been constantly

growing, though he was happy to hear that there were not so many now in prison as there had been. Within a few weeks or months, however, thirty persons had been arrested and imprisoned in Granada, Malaga, and Seville alone. Many others had fled for refuge to Gibraltar and elsewhere. At one time as many as fifty persons in Malaga were left destitute, owing to the seizure of the heads of their families. In one case a sculptor with his wife and eldest son were arrested in the dead of night, and cast into a dungeon, leaving five helpless children totally unprovided for. In another instance the head of one of the best public schools in Seville was apprehended. It was well known that at Granada the vilest criminals received better treatment in prison than the Christians who were convicted of reading the Bible.

It might be said that this was a matter which concerned Spaniards alone, and with which they had no right to interfere. Others thought that interference was unadvisable because it would prove of no avail. He demurred to those opinions. Knowing, as he did, what an impression the debates in that House during the previous year had produced in Spain, he was confident that great good would result from a decided expression of opinion on this occasion, followed by a cordial and energetic remonstrance on the part of the Government. One of the prisoners wrote, with reference to one of the discussions of last Session—

"I have not yet read the speech of Sir Robert Peel, but I have heard it notably praised. An extract from Lord John Russell's reply has been translated, but only by the reactionary and anti-Liberal section of the Spanish press. These periodicals have also published long leading articles commenting on the words of the Minister, which, unfortunately, appear to be favourable to the Ultramontane party."

Of course that was only the distorted interpretation which that party sought to put on the speech of the noble Lord.

"The speech has been a fertile subject with our foes. I do not know what the spirit of it as a whole may have been, but I venture to believe that it was not that which the enemies of the Gospel and the friends of slavery of conscience would represent it. Be that as it may, the clergy have taken fresh life from it, for something, and that not a little, was expected from England. We, and with us all Spanish Protestants, looked to you, after God, for everything. . . . Spain has advanced towards religious liberty more rapidly than in many past years. The attitude of England has done much. Our brethren have taken courage. The Liberal press, in its narrow circle, has

done what it could. Nay, in the Spanish Chambers the other day notice was given of an intended interpellation to the Government respecting us."

That illustrated the moral effect of discussions in the British Parliament. He would not recapitulate all the precedents quoted last Session by his right hon. Friend as to the right of this country to interfere in the matter. He would only remind the House of the words of that eminent authority Vattel on this question—

"When a religion is persecuted, the foreign nations who profess it may intercede for their brethren; but this is all they can lawfully do, unless the persecution be carried to an intolerable excess. Then, indeed, it becomes a case of manifest tyranny, in which all nations are permitted to succour an unhappy people. A regard to their own safety may also authorize them to undertake the defence of the persecuted."

An hon. Friend of his, the Member for Galway (Mr. Gregory), the other evening, made an earnest appeal to the sympathies of the House on behalf of the Southerners who were in armed secession from the United States of America, and who demanded liberty to keep four millions of people in eternal bondage; might not he far more confidently ask their sympathies for those who only exercised the right to profess what they conscientiously believed, and sought not to be treated as felons for holding the faith professed by the majority of the hon. Members of that House? Nor were they without encouragement from the results of intercessions made in behalf of their persecuted brethren in former instances. He had had the honour of bringing before the House the case of the Madiai, and their release speedily followed. Little did he think when he brought their names before the House how soon the Grand Ducal Government which persecuted them would be swept away. The tendency of such persecutions was to alienate the people from their Governments, and they were never forgotten when the day of reckoning came. The House would recollect the benefits which followed the withdrawal of our diplomatic representative from the Neapolitan Court, and the publication of that remarkable pamphlet of the Chancellor of the Exchequer with reference to Poerio and his fellow sufferers. Where was that persecuting Government? It was a great moral lesson that ought not to be lost on such Governments, and it showed the advantage which might be gained in a peaceable way by bringing public opinion to bear upon them. Another fact of great

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importance was that, since his right hon. Friend had brought forward the subject, England did not stand alone in her remonstrances with the Spanish Government. Greatly to the credit of the Emperor of the French, M. Thouvenel had written a very admirable despatch, instructing his Minister at Madrid strongly to urge upon the Spanish Government the evil of these unhappy persecutions; and when he remembered the position of France in relation to the Pope's continued possession of Rome, this fact was all the more significant. Prussia, Russia, and Sweden had also remonstrated, and had instructed their Ministers at Madrid to join with Sir John Crampton in endeavouring to persuade Marshal O'Donnell of the impolicy as well as injustice of persisting in these iniquitous sentences. The hon. Member for Launceston (Mr. Haliburton), with that power of sarcasm for which he was so remarkable, referred the other evening to what Juarez might have said to the Spanish General who had command of the expedition to Mexico. It certainly was somewhat remarkable that Spain, who had often repudiated her public engagements, kept notoriously bad faith with us in her treaties in regard to the Slave Trade, and was now disgracing herself by these persecutions, should go to Mexico in order to compel her to pay her debts. He did trust that Marshal O'Donnell, who had had great experience in public life, would see the inexpediency of continuing these persecutions. What was immediately wanted was the pardon of these persons, and that private efforts had been unable to obtain. He therefore asked again for earnest remonstrance on the part of our Government, and he hoped ultimately to see a change in those laws under which those persecutions had taken place. They were a disgrace to a civilized nation, and at the same time they made it impossible to know if any man was honest in his religious profession; for while one man would undergo imprisonment and the galleys, rather than deny his faith, 500 others might think him right without daring to face the danger of avowing their convictions. He begged to ask the noble Lord the First Lord of the Treasury, in reference to what took place last Session on the subject of the Persecutions in Spain and the efforts which were understood to be about to be made by Her Majesty's Secretary of State for Foreign Affairs in order to obtain remission of



punishment for Matamoros and others, who were undergoing imprisonment and are now under sentence of the galleys, on the charge of maintaining certain religious opinions and practices contrary to the Religion of the State, whether he had any objection to state to the House if any and what steps have been taken in reference to this matter; and whether Her Majesty's Minister at Madrid has been able to obtain any satisfactory assurance that a favourable consideration would be given to his representations on the subject?

VISCOUNT PALMERSTON: Sir, I quite admit that my hon. Friend has performed a duty which nobody can complain of in bringing this matter under the consideration and attention of the House. And there can be no doubt the expression of opinion in the British House of Commons must have great weight with those in any country in Europe to whose conduct those observations apply. I am sorry to say, that I cannot, however, make any report to my hon. Friend and the House as to any satisfactory result which has yet followed the attempts or exertions of Her Majesty's Government to obtain the pardon and release of the persons to whom the observations of my hon. Friend apply. The difficulties, as he must be aware, are very great. The Spanish nation is a nation full of valiant, noble, chivalrous feelings and sentiments; but, unfortunately, in Spain the Catholic priesthood exercise a sway greater than that they possess in any other country; and however liberal—I believe I may fairly say so—the Catholic laity in most countries are, history tells us that wherever the Catholic priesthood gain the predominance the utmost amount of intolerance as invariably prevails. And although in countries where they form a minority they are constantly demanding not only toleration but equality, in countries where they are predominant neither equality nor toleration is allowed to exist. Well, Sir, the case in this instance bears upon law. It does not depend entirely upon the will and action of the Government. There are ancient laws of the most intolerant and persecuting kind which have been called into action by the ministers of the Christian religion, and that action has been the condemnation of these unhappy men to punishment which must, in its nature, be revolting to the minds of liberal persons. Efforts have been made to obtain from the Ministers of the Crown of

Spain the exercise of their advice to the Sovereign to show that mercy which belongs to the Sovereign of every country. Those efforts have not yet been successful. Mixed with the admirable qualities which distinguish the Spanish people, there is one quality not undeserving of respect—namely, a feeling of jealousy of foreign interference in their internal affairs. It is a quality which is connected with one of the highest national virtues; and therefore it is obvious that, in any endeavour to obtain the reversal, mitigation, or cessation of punishment, great delicacy must be shown and great care taken, lest in endeavouring to do good we should, on the contrary, perpetuate evil. I can only assure my hon. Friend that no effort will be omitted by Her Majesty's Government which they think will be really conducive to the attainment of the object which he has in view.

MR. BLAKE said, he much regretted that the hon. Member for Perth had concluded with the Motion that the correspondence which had passed between the British and Spanish Governments upon the subject should be laid upon the table, because he anticipated that a different impression would then be given from that which was likely to be produced by the speeches of the hon. Member and the noble Lord at the head of the Government. There was no one in that House, perhaps, more competent than himself to speak from experience upon Spanish affairs. He had resided some time in the country. He had been over the whole Peninsula, and he had been there at a period when he could form a fair judgment of the toleration of the Spanish Government towards persons professing themselves Protestants. If he could grant the premisses of the hon. Member for Perth, he should assent to the conclusion. The hon. Member said that the persons to whom he alluded were guilty of nothing more than professing the religion which was professed by a majority of the people of this country. He had no doubt the hon. Member believed he was correct in that assertion; but he was disposed to think that when the correspondence appeared it would be seen that the Spanish Government asserted that these persons had undergone punishment to some extent for political offences, and not because, as alleged, they had happened to change their religious opinions. The occasion ought to be a very strong one to

justify one Government in interfering in the affairs of another Government. He agreed that there might be cases when it would not only be perfectly justifiable, but the duty of a Government like that of England, to remonstrate with another Power. But how would they feel if the Spanish Government remonstrated against the Ecclesiastical Titles Act, against the disgraceful oath which Catholics were required to take on accepting certain offices, or against the conduct of a Protestant bishop in Ireland towards his Catholic tenantry? They would strongly resent it; and therefore, unless he was persuaded that these persons were undergoing persecution merely for entertaining conscientious convictions upon the subject of religion, he thought they ought not to interfere. In the whole Spanish Peninsula English Protestants were allowed the full and free exercise of their religion in the houses of the British Consuls. He spoke from his personal experience when in Spain some years ago; and as no Government had, during the last few years, made such progress as the Spanish Government, he should be surprised if they had retrograded in religious toleration. He was quite certain that if a Spanish gentleman, such as the hon. Member for Perth described, chose to embrace the Protestant faith, he would be allowed to follow it, unostentatiously, without molestation. A few years ago, there existed in England as great a desire for the conversion of Spain as there did then for that of Ireland, and with the same unsuccessful results. It was said that missionaries were not allowed to enter Spain, and that all sorts of expedients were necessary to introduce the Gospel into the country. One humorous English paper contained an illustration some years ago of a hardy mariner wading into the sea up to his middle to seize a bottle, upon opening which he was represented as exclaiming, "Rum, I hope—gin, I think—tracts, by jingo!" He was almost a witness of such a transaction. Some parties saw a number of bottles off the coast of Spain, which, being obtained at a considerable risk, were found to contain a translation into Spanish of *The Blind Beggar of Bethnal Green*. It was stated that that was the only way to get the Gospel into Spain. The Spaniards repudiated the idea, and as they were exceedingly disgusted, the bottling of Gospel tracts had to be given up. Mr. Borrow, having

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written an interesting work, was laid hold of by the people of Exeter Hall to go out and distribute the Bible in Spain. Mr. Borrow had a great knowledge of Spain, and would have entered upon the enterprise of delivering the Koran just as well as the Bible, as a matter of business. He was in Spain when Mr. Borrow brought out the English Bible translated into Spanish. In England there was the greatest trepidation as to what his fate would be, and the most awful disasters were apprehended. Mr. Borrow went to Spain, and wrote a book entitled *The Bible in Spain*. He was a most impartial witness. He gave a most interesting account of the Spanish people and of his undertaking. It did not appear that in any one instance he was interrupted in his missionary labours. He was extremely well received. The ecclesiastics and the authorities in Spain afforded him facilities to distribute the Bible as long as he did not do it in an offensive manner, or use it for political purposes. Mr. Borrow continued his efforts to the great satisfaction of his employers, but, instead of becoming converts, the people continued Catholics. The fact, he believed, was that the persons for whom the hon. Member for Perth took up the cudgels were persons who assumed Protestantism for the purpose of disseminating political opinions obnoxious to the people and Government of Spain. He anticipated that the correspondence would show that the Spanish Government met the remonstrances with that statement, and he had very little doubt that in any future correspondence the same answer would be made. He thought that a Spanish officer was not at all likely to be above the influence of pecuniary advantages; and, although he could not undertake to say it was the positive truth, he knew that these persons were strongly suspected to have been bribed with the money of English zealots, subscribed for the purpose of propagating Protestantism in Spain. He had very little doubt that the refugees of whom the hon. Member had spoken were fugitives from political and not from religious causes. He had been much pleased with the temperate speech of the hon. Member, and, in conclusion, he must express a hope that the correspondence between the Spanish Government and Her Majesty's Government would be produced.

MR. WHALLEY said, that notwithstanding what had fallen from the hon.



Member who had just spoken, no evidence could be more conclusive than that which had been produced to prove that Matamoros and his companions had been persecuted solely and entirely on the grounds stated to the House by the hon. Member for Perth. He had attended a deputation that waited upon Earl Russell, which clearly proved that the persecution was exclusively on account of Protestantism. The noble Earl remarked on that occasion, that at the most memorable period of our history, England had interfered in the most direct manner; and, if he understood him rightly, he appeared to regret very much that he did not see his way to repeat such interference as Oliver Cromwell exercised in the case of the Vaudois in Switzerland. In that case, also, it was alleged that the parties persecuted were rebels. Again, in 1641, the well-authenticated case of the massacre in Ireland by the priests occurred, when 300,000 Protestants were sacrificed; and there also it was stated that the people had made themselves obnoxious to the Roman Catholics. All that was done in all these cases was not casual or exceptional, but was in exact accordance with the rules laid down by the Catholic Church, to which he believed the hon. Member for Waterford (Mr. Blake) was attached. It was plainly and distinctly declared in a book which he held in his hand, that heretics were not worthy to be buried like others, but rather with the burial of an ass. And again they were to be treated like worms and bugs, and to be destroyed as such vermin customarily were. That doctrine was fully and clearly expounded in a book which, by the grant to the College of Maynooth, Parliament provided for the students. He denied that there was any parity between the case before the House, and that of the Ecclesiastical Titles Act, as the hon. Member for Waterford endeavoured to argue. The Roman Catholic religion was one which sought for universal empire. That point was well put by the late Sir Robert Peel. That statesman said it was a matter of perfect indifference to him whether a party professed the doctrine of transubstantiation. That was also his (Mr. Whalley's) view; but (continued Sir Robert Peel) if there were added to that doctrine a scheme of worldly policy of a marked character, which manifested merely a desire to obtain power over men, and to use that power to the disturbance of all social and political obligations, he

had a right to inquire into its nature and observe its effects on mankind. The Protestants of Spain looked to England, as her historical reputation justified them in doing, for protection in this emergency.

SIR ROBERT PEEL said, he wished to say one word in justice to the statement made by his hon. Friend the Member for Perth. He was much obliged to the hon. Member for the temperate manner in which he had brought forward the subject. He was sure that the reply of his noble Friend at the head of the Government must have convinced him that the Government were doing everything in their power, as they had done last year, to relieve if possible the sufferings of those poor men in Spain. He thought his hon. Friend the Member for Waterford was in error in supposing that those persons had been in any way implicated in political transactions. That had been distinctly denied. He did not wish to raise any question in respect to the policy pursued towards them, but he was in a position to state distinctly that those persons who were imprisoned in Malaga were in no way implicated in the transactions which occurred during the autumn of last year.

MR. HENNESSY said, he could not help calling the attention of the Government to the inconvenient position in which the House was placed. A most important question had been raised, and two of Her Majesty's Ministers had spoken, but neither of them had accepted the challenge given them by the hon. Member for Waterford to produce the correspondence which had passed between the two Governments on this question. He joined his hon. Friend in the hope that those papers would be laid on the table. It was only fair that the case of the Spanish Government should be made known.

Main Question put, and *agreed to*.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

£915,897, Packet Service.

MR. BAXTER said, he rose to call attention to the increase of the Vote and to the possibility of gradually reducing it. As a foreign merchant engaged in commercial operations with all parts of the world, no one was more deeply interested that the ocean postal communications should be kept up with regularity and rapidity. He was quite prepared to ad-

mit that most of the existing lines of mail packets could not have been originally established, and that some of them could not even now be maintained, without the aid of Government subsidies. But he contended that the system of subsidies had been carried too far, and that the country was paying too much for the conveyance of its mails across the ocean. It was the duty of the Treasury not only steadily to set its face against making any new packet contracts, but to take immediate steps for gradually diminishing the excessive cost of that service to the nation. Of course, the existing contracts could not be interfered with, but must be allowed to run till their natural termination. That the practice of liberally subsidizing had reached extreme limits was clear from a few striking facts. In the financial year 1856-7 the Vote for the packet service amounted to £743,000; while in 1859-60, or only three years later, it had risen to £977,000, or nearly a million sterling per annum. According to the evidence given by Mr. Frederick Hill, of the General Post Office, before the Committee on the Packet Service, no less a sum than £450,000 out of the entire £977,000 represented the amount of the dead loss sustained by the revenue on account of this service; while again £215,000 of that loss of £450,000 was incurred upon the contract with the Royal Mail Company for conveying the mails to and from the West Indies. The last-named contract would be one of the first to expire; and he would therefore suggest that the Government should take advantage of that circumstance to consider whether the West Indian service might not be linked on at Halifax and Nova Scotia with the North Atlantic service. He believed that arrangement was approved by the Post Office. At all events, he hoped that they would soon see an end put to such enormous subsidies as that of £238,000 per annum for the West Indian mails. Turning to the North Atlantic service, the yearly loss incurred by the revenue upon the Cunard line was £79,000, every pound of which might be saved to the country without prejudice to the efficiency of the service. It was only fair to say that the Cunard Company had conducted their line with remarkable regularity, rapidity, and efficiency, and that in former times their subsidy was well earned and well deserved. But since then circumstances had greatly changed, and he maintained that

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by the aid of the principle of competition the payment of heavy subsidies might now be rendered wholly unnecessary, and that, too, without sacrificing in any degree the efficiency or punctuality of our postal communication. A Parliamentary return showed that in the year 1860 the mail steamers which crossed the North Atlantic from the United Kingdom made 166 outward and 165 homeward voyages. From the very careful and accurate summary of marine statistics supplied by the *Steam Shipping Journal*, he found that in the year 1861 there were no fewer than fifty large steamers regularly employed in the North Atlantic trade. These vessels belonged to nine independent companies, and last year they made 226 outward and about the same number of homeward voyages; so that, excluding Sundays, it might be said that there was now almost daily communication with North America. One of those companies — the Liverpool, New York, and Philadelphia — had repeatedly offered to carry the mails for the Government for the postage alone — an arrangement by which the whole of the £79,000 now lost by the contract with the Cunard Company would, of course, be saved. The average passages made by the Inman, an unsubsidized line, were under those of the Cunard, or subsidized line. Instead of adhering to the present system of subsidizing a particular line, he would, therefore, suggest that the Government should advertise that every steamer which was of a certain size and tonnage, and passed a certain examination, should be deemed a mail steamer upon the following conditions — namely, that it should take up the mails on a certain day and land them on a certain day at some particular port in Ireland — Londonderry, Galway, or Kingstown — that the mails should be landed and embarked there, but that the vessel should be allowed to come on to a port in England or remain where she was, as the owners chose. The circumstance of several of the companies having their termini in the sister country, would be of greater advantage to it than the formation of a new company there with a special subsidy. That was the first condition. The second condition was, that the vessels should be paid in proportion to the number of letters they carried, and paid at the lowest rate any company would take by public tender. The third condition was, that all these vessels should come



under the usual obligations imposed by the Government as to penalties, and their liability to be employed as transports. He was perfectly satisfied that by better arrangements they might in a short time have a daily communication, by efficient steamers, with North America. The payment of the companies in proportion to the number of letters carried would stimulate them to increased exertions. Such a stimulus was much required. Some of the companies had not kept pace with the times; they had not built new vessels as they ought to have done. The subsidized companies had built fewer than the others. The plan he advocated was entirely in accordance with the recommendations of Earl Canning's Committee of 1853 and the Committee of the House that sat in 1859-60. What he wanted was to get quit of an immense loss, and abolish the system of subsidies to the North Atlantic steamers. The plan would get rid of two Votes larger than any other in that Estimate. In reference to communication with the colonies, he did not see why the Government should not ask all the colonies to follow the noble example of Australia, that paid half the expenses of its mail communication with Point de Galle. The charge for the mails to the Cape of Good Hope was £32,400, but the Cape Colony got off with a payment of £6,000. New Zealand, Newfoundland, New Brunswick, and other colonies paid nothing. One charge that ought to be abolished was that for Government agents on board contract packets. He did not believe these gentlemen were of the slightest use; on the Cunard line they had been discontinued. The matter was of great importance. He had no hostile feeling to any of the companies. His remarks were entirely made with the object of putting an end to the undue growth and extension of the system of subsidies. He wished to save money to the taxpayers of Great Britain, and give a freer development to the maritime interest of the country. He might add that there was an item which he did not understand, and which he hoped the Secretary to the Treasury would explain to the Committee. It was the sum of £20,500 set down "Southampton, Vigo, Oporto, Lisbon, Cadiz, and Gibraltar," for the conveyance of mails. To that item a note was attached, "By agreement this service now terminates at Lisbon. Of the £20,500 nominally paid for these services, the sum of £15,500 is vir-

tually on account of the India, China, Australian, and Mauritius services." That was the item on which Mr. Frederick Hill states a loss of £17,500 resulted on the Peninsular service, and the attempt made to set off the loss required explanation.

MR. WHITE said, he agreed with the position laid down by the hon. Member for Montrose. He believed when the time arrived for renewing the contracts a great reduction might be made in the present terms. He wished to draw the attention of the Secretary of the Treasury to the great inconvenience caused by the irregularity of the communication with China, caused by failures of the Peninsular and Oriental Company in performing its contract. Great complaints on that score were contained in a letter he had just received from a Gentleman in China who had formerly sat in that House.

MR. PEEL said, he would admit that the Vote was a heavy burden on the resources of the country, but he wished to point out that the magnitude of the Vote was in part one of appearance only. The Committee should distinguish first of all between the foreign and colonial service, and the sea transit necessary for home service. A few years ago we paid £20,000 for the conveyance of the mails between Holyhead and Kingstown. This year the Estimates included £85,000 for that service—a payment obviously due not to merely postal requirements, but to considerations of national policy and the necessity of maintaining rapid communication between England and Ireland. This reduced the Vote from £915,000 to £820,000, and he was the more entitled to make such a deduction because these home mail-packet contracts involved a clear pecuniary loss, as the mails were carried without the imposition of any sea postage in return. Then even this £820,000 was not a total charge upon the revenue, because there was a set-off in the amount of sea postage received—namely, £470,000, which made the net loss arising from the carriage of those mails from £350,000 to £400,000. The hon. Member for Montrose (Mr. Baxter) had suggested various modes by which the loss on the Estimate might be reduced; for instance, that our colonies should be called to make contributions. He agreed with the suggestion, and the Estimates showed that it had not been neglected. An arrangement had been made with the Australian colonies, which were now required to contribute

one moiety of the total cost of carrying the mails between the two countries. The only contribution made by New Zealand was £10,000 towards the postal service between that colony and Australia, for which service this country gave £14,000. Of course, New Zealand ought to pay more. The Mauritius, a rich colony, defrayed the entire expense of conveying its mails to and from Suez. The Cape mail service cost a large sum, towards which the colony only paid £5,000. That contract, however, would terminate in the course of the year, and the Cape Government had been told that the English Treasury would not recommend a renewal of the contract unless they were prepared, like Australia, to pay a moiety of the cost. Attempts had been made to reduce the charge in other ways. Up to that time the subsidies paid to the packet companies had included a consideration, not only for the conveyance of mails, but for the carriage, at reduced rates, of passengers, and even goods. The Government considered that future contracts should include only the amount paid for mails, and in furtherance of this view, a deduction of £15,000 had been agreed to be made at once from the subsidy paid to the Peninsular and Oriental Company. That reduction was on account of Government passengers, whose transport had hitherto been partly paid for out of the imperial funds; whereas either those passengers themselves, or the colonies for whose advantage principally they were sent out, ought to pay the amount. Another means of reducing the charge was by increasing the rates of postage. Thus, an additional charge of £18,000 for the additional mail to China had been covered in that way. In other recommendations made by the hon. Gentleman he concurred generally. No doubt, where a trade existed between this and other countries, sufficiently extensive to employ several lines of steamers, a subsidy is not needed to secure the mails being carried with despatch and regularity. But, unfortunately, that principle could have only a limited application. The four great mail services to Australia, to China and India, to the West Indies, and to North America, absorbed between them four-fifths of the Vote. The principle contended for did not apply to Australia, or to India or China, but it did apply to North America. Unfortunately, however, they had surrendered the power of acting upon it for some time to come, because the con-

tract with Cunard had still six years to run. The West India mail contract would expire in two years, and the suggestion of the hon. Member that the mail service there should be linked on to the North American service would not be lost sight of. With regard to the £20,500 for the carriage of mails to Lisbon and Gibraltar the explanation was this:—For the original service for which this sum was payable, a reduced service had been substituted, extending no further than Lisbon; and for this, which was a fortnightly service, the Company received £5,000 per annum only. The remainder of the subsidy payable under the original contract had been transferred towards meeting the expense of establishing the additional communication with India *via* Bombay. He had only to add, as regards the contract question at large, that the Committee which had considered that subject, had recommended a plan which they believed would combine the responsibility of the Executive with the control of that House; namely, that the Government should make the contracts, but that a clause should be inserted requiring that they should be ratified by the House of Commons. He trusted that in that way there would be full concurrence of action between the House and the Executive, and he need not say that on the expiration of the West India mail contract nothing would be done to fetter the control of Parliament in respect of it.

Mr. W. WILLIAMS said, he was quite of opinion that every facility should be afforded for the conveyance of mails to all parts of the world, but it was unjustifiable that a tax of £450,000 should be levied on the people of this country for the proper affording of those facilities. The fact was, that they ought to follow the example of the American Government, which had accepted the offer of a private company to carry the mails for the amount of the postage. There were items in the Vote which were very objectionable. For instance, for the mails between Brazil and the West Indies, £30,000. [MR. PEEL: That pays itself.] He would then refer to the charge of £25,000 for conveyance of the mails between Panama and Callao. They had nothing to do with the west coast of America. He knew they had an interest in Panama, as a means of direct communication, but not in the intercourse between the two points. He also objected to the charge of £14,000 for the mails between



Australia and New Zealand. The whole Estimate required revision. He was glad to find the Galway subsidy was withdrawn, as it had been proved that each letter conveyed by that route to America occasioned a loss to the Imperial Exchequer of 6s. Were it not that they were bound by existing contracts, he should feel disposed to take the sense of the Committee upon some of the Votes.

MR. CRAWFORD said, the hon. Gentleman talked of taking the sense of the House; but it would be difficult for the House to take the sense of the hon. Member. He had never seen more ignorance displayed upon any subject. The hon. Member talked of there being no trade between this country and South America. [MR. WILLIAMS: I never mentioned South America.] He would ask where were Buenos Ayres and Callao if not in South America? The trade between this country and South America amounted to five millions annually, and for the maintenance of that trade it was necessary to keep up an effective communication. The line between Australia and New Zealand was part of the main line from this country, and recent events had shown how important it was to have frequent means of communication. He thought the hon. Member for Montrose had done good service in calling attention to the subject, and he generally approved of the views of that hon. Member. It was, however, necessary that the merchants of this country should have as speedy means of communication by steamers and by telegraphs as could be obtained. He had himself yesterday received a telegram which left Suez the previous day, the arrival of which had prevented a serious loss. What was beneficial to individuals must be beneficial to the State; and therefore there ought to be the most complete system of communication, although the utmost economy consistent with efficiency should be observed.

MR. KINNAIRD said, he thought that commendation was due to the hon. Member for Montrose, and also to the Secretary of the Treasury, for his pledge to observe a rigid economy in future. The money that had been spent in contracts had not been wasted, because the Cunard ships had rendered great service in the Crimea, and recently in North America. Still he was glad to hear that all future contracts would be submitted to the revision of Parliament.

MR. C. TURNER remarked, that he was opposed to a reduction in the postal subsidies as he thought that, on the whole, the Government were no losers by the contracts; while the important benefits they conferred upon the commercial interests of this country were undeniable. There was a very large trade with South America, and being connected with the Pacific Mail Company, he could state that the Government received fully the amount of payment to that Company.

MR. CONINGHAM observed, that the hon. Member for Lambeth might be wrong in his geography, but he was right in his argument. He did not think that it was by subsidies we were likely to be best served, as they prevented competition.

SIR HENRY WILLOUGHBY remarked, that nothing could be more careless than some of the early contracts; but his right hon. Friend the Secretary to the Treasury seemed alive as to what should be done in future.

MR. PEEL said, that in the month of July they would have to decide with respect to the Cape contract, but nothing had been yet done about it.

*Vote agreed to.*

*House resumed.*

Resolution to be reported on *Monday* next; Committee to sit again on *Monday* next.

#### SUPPLY—REPORT.

Resolutions (March 13) *reported.*

MR. CONINGHAM said, he had come down to the House on the previous day for the purpose of dividing with the hon. and learned Member for Cambridge, and he confessed that after the vote which they had come to on a previous occasion, he could not but regret that they had not an opportunity of again taking the sense of the House upon the question of restoring the Vote for the Sandhurst College. He did not know what mysterious influence had been at work to prevent a division. The benches on the Opposition side were thickly tenanted on Thursday evening, by those who, on a previous occasion, had been most strenuously opposed to the extension of Sandhurst College. It was true that on the Ministerial side there was a change of opinion on the part of some hon. Gentlemen who had voted against the Vote before they had heard the explanation of the Minister for War; but he had heard nothing to alter his opinion.

He believed that it was detrimental to the public service to keep up a kind of Horse Guards preserve at Sandhurst; while, on the other hand, it was not the system of open competition that had led to the outbreak at Woolwich. There was on questions like this collusion, occasionally, between the Government and Gentlemen on the Opposition side; there were Ministers *in esse* on one side and Ministers *in posse* on the other, and that was the reason why the opinion of the House was not fairly tested.

SIR JOHN SHELLEY said, that if the hon. Member who had just spoken felt so strongly on this subject, he wondered why he did not divide the House himself. If he did so, he should divide against him.

COLONEL NORTH said, he would admit that he had characterized the conduct of the cadets at Woolwich in the recent disturbances as disgraceful, but he must deny that he had attributed the outbreak to the effect of the principle of competition. What he had said was, that the young men who had taken part in that outbreak had no ideas of discipline and no *esprit de corps*. The hon. Member for Brighton might himself have divided the House on the previous night. As he had not thought proper to do so, why did he come down that evening and make a "row"?

SIR GEORGE LEWIS said, that nothing was easier than for an hon. Gentleman—who was disappointed at the smallness of the minority in which he found himself, and who was not likely to persuade the majority to agree with him—to state that there had been collusion between the different sides of the House, and to represent the decision as having been brought about by undue means, when it was the result of careful debate and the closest scrutiny. Since he had been a Member of that House he had hardly ever heard a question of secondary importance, such as the question of Sandhurst must after all be considered, receive a more careful investigation. He utterly denied that there was any collusion, concert, or understanding between the different sides of the House. He was in the recollection of the House when he said that when the hon. and learned Member (Mr. Selwyn) stated that he did not intend to divide the House he (Sir G. Lewis) told him that nothing that he had said precluded him from doing so; and, for himself, he had rather wished

*Mr. Coningham*

that the hon. and learned Gentleman would go to a division. He did not think it necessary, in consequence of what the hon. Member for Brighton had said, to recur to the case at Woolwich, in regard to which he had already given an explanation. With respect to Sandhurst, however, all the information he had received led him to believe that the administration of that college was perfectly pure and free from objection. He must add that it was hardly fair to make general imputations against a place of education of this kind without supporting them by some authority in respect to the cogency of which the House might be enabled to form an opinion.

MR. AYRTON said, that the hon. and learned Member for Cambridge having communicated with him, he was enabled to state that his refusal to go to a division last night, so far from being a proof of collusion, was just the reverse. In considering how best the system of which he complained could be assaulted, the hon. and learned Gentleman had come to the decision that the real question at issue could not be properly raised in Committee or on the Report of Supply. The question being one of principle, the hon. and learned Gentleman (Mr. Selwyn) thought it better to reserve his objection, and raise the point at issue under such circumstances as would give him the best chance of success.

MR. CONINGHAM said, he wished to explain that he intended to cast no imputation on the hon. and learned Gentleman (Mr. Selwyn).

SIR HENRY WILLOUGHBY said, that the Votes which had been agreed to, as well as others, ought to be investigated by the Committee on Public Accounts before they were submitted to the House. He wanted to know who was responsible for the preparation of these large items, and where the guarantee was that the ways and means would not be exceeded. Although he did not wish that the Committee should come into collision with the Executive, he should like to know where the real responsibility rested.

MR. PEEL said, that these Estimates were prepared in the first instance by the respective revenue departments, and were afterwards examined by the Treasury. Under an Act passed last Session the expenditure under these Votes was classified, so that the hon. Gentleman would have an opportunity of examining and com-



paring them, The Votes would not, he believed, be found larger than was necessary for the service of the coming year. If, however, there were any balances unexhausted at the end of the financial year, they would be surrendered to the Exchequer.

*Resolutions agreed to.*

#### COURTS OF JUSTICE (MONEY).

##### LEAVE.

MR. COWPER said, that in moving for leave to bring in a Bill to provide further accommodation for the Courts of Justice, he wished to premise that the measure was founded on the recommendations of the Commission which sat in 1860. He need not detain the House by dwelling on the insufficient accommodation at present provided for conducting legal proceedings in the Courts of the Metropolis. Any one who would look at Westminster Hall would see that the buildings adjacent were very unfit for the purposes for which they were originally intended. As the population, the wealth, and the commerce of the country increased, so had the accommodation diminished, and the buildings which formerly might have been adequate were now become inconvenient. The present Courts were built between the years 1820 and 1825, and though the architect, Sir John Soane, had displayed great ingenuity in putting to advantage the space at his disposal, and in placing each Court between the buttresses of Westminster Hall, yet there was not sufficient accommodation for the persons frequenting the spot. There was no waiting-room for the jury or witnesses, no library for the barristers, and, with the exception of two consultation-rooms, there was no place where the opposing parties could meet; and it occasionally happened that a barrister and solicitor were discussing their cause in one corner of a small room, and the adverse barrister and solicitor discussing the other side of the question in the same room. Then the single entrance was so narrow that the order and decorum of the Courts were often interfered with, and that tone of propriety which ought to prevail could not be maintained. The Probate Registries also, which were separate from the Court, were utterly insufficient for their present purposes, and the utmost inconvenience was often felt in consequence of the remoteness of the registry from the Courts. The buildings near Doctors' Commons oc-

cupied by the Registrars were well fitted for temporary purposes, but would not be sufficient to hold the documents necessary to enable the increased business to be carried on. Then the Courts which were held in Lincoln's Inn were placed in buildings which were never intended for the purpose, two of the Vice Chancellors' Courts having been run up in a great hurry, and there were universal complaints that they were too hot in summer, too cold in winter, and exposed to many other inconveniences. The chambers in which the Vice Chancellors had to sit to hear parties might be well suited for barristers, but were utterly unfit for judicial business. From that brief survey of the manner in which the different Courts and offices were lodged, it would be seen that a considerable sum of money would be required, and that was the time to consider whether some comprehensive plan ought not to be adopted which should provide, not only for the pressing wants of the moment, but also afford means of future extension, and give those advantages which all the legal profession acknowledged would arise from concentration under one roof or in one neighbourhood of all the Courts. The matter was well considered by the Royal Commission, which reported in 1860; they gave very strong reasons for concentration, and recommended the site which the Bill on the table proposed to provide. That site lay between Carey Street on the north, the Strand on the south, Bell Yard on the east, and Clement's Inn on the west, and seemed to be the best that could be found for the purpose in the Metropolis. It was in what was called the legal district, being inhabited by barristers and solicitors, and being the place where the legal business was mostly carried on. The plan had another advantage, which was that the site proposed consisted of a series of courts, alleys, and small streets, which were in an unwholesome and discreditable condition, and which ought to be removed. There was no carriage thoroughfare through the whole site; the inhabitants consisted partly of persons who lived by the law, and partly of persons who lived by breaches of the law, and appeared oftener in the dock than as hangers-on of the Courts.

The Royal Commission, having unanimously recommended the site, then proceeded to show whence the funds for the purchase might be procured. It fortunately happened that there was vested

in the Accountant General of the Court of Chancery a sum amounting to about £1,400,000, consisting of two separate investments of stock—one called the Surplus Interest Fund amounting to £1,290,000, and the other the Surplus Suitors' Fee Fund amounting to £200,000. The history of those two funds was somewhat complicated. They were the produce of investments made from time to time by the Accountant General, under orders of the Court of Chancery. It was the custom of the Court of Chancery to require that any money which was the subject of a suit should be paid into Court at the commencement of the case, to be kept ready for distribution to such of the parties as might prove they were entitled to it. There were many cases in which, from the smallness of the sum, the negligence of the parties, or other causes, no order was obtained for the investment of the cash, and it was therefore carried to the account of the general balance of cash held by the Accountant General, and he was simply bound to repay the amount if called for. Previously to the year 1725 it was customary for the Masters and ushers of the Court of Chancery to invest the money for their own advantage; but some defalcations having taken place when the South Sea bubble burst, an Act of Parliament was passed having for its object to indemnify the suitors, and accordingly certain fees were levied on writs and processes for that purpose. The Act also provided that after all claims were paid the remainder should be reserved for the benefit of the public in such a way as Parliament might direct, and that was the commencement of the fund under consideration. About ten Acts were passed in succession, enabling the Accountant General to invest certain sums, and authorizing him to carry the proceeds to his general balance. Finally an Act was passed which empowered the Lord Chancellor to give orders for such investments in all cases. The result was that a sum of £1,290,000 had accumulated. The money might be said to belong to nobody. Former suitors were not entitled to it, it did not belong to suitors at the present moment, and the fund was, in fact, created by virtue of the Act of Parliament authorizing the Accountant General of the Court of Chancery to invest the money. There had been various occasions in the past and present century where, in compliance

*Mr. Cowper*

with Acts of Parliament and decrees of the Court of Chancery, sums had been paid out of the fund for purposes similar to the present. In Ireland, also, funds which had accrued from payments by suitors were employed in enlarging the Four Courts at Dublin; so that there were precedents for the course he proposed to take of appropriating the money to the erection of courts of law and justice. As the fund had originally proceeded from duties levied in the common law courts, no distinction between the propriety of its application to courts of law and courts of equity could well be maintained. The Suitor's Fee Fund had no claim upon it, because it resulted from the surplus of unappropriated fees. Both these funds occupied very much the same position as the reserve kept by a banker to meet any demands which might possibly, though by no means probably, be made. These two funds, now invested in Consols, if sold would realize about £1,400,000. But, as they at present formed a guarantee for certain charges, it would be necessary that the Consolidated Fund should be substituted for them. It was scarcely possible, at the same time, that any real liability would attach, because the Suitors' Fund could be called in only in the very improbable contingency of the Court of Chancery being wound up and the stock sold. The money, moreover, having been invested, on the average, at a price below eighty-six, it followed that a deficiency could only arise in case the whole of the fund had to be converted into money at less than that rate. The fact that the surplus interest fund had gone on accumulating for a number of years sufficiently showed that no apprehensions need be entertained on that score. The employment of those funds would necessitate the abstraction of the dividends at present received, which were carried to the Suitors' Fee Fund. From that fund £90,000 was paid in charges for pensions, salaries, and relieving allowances. As he proposed to diminish the fund by £35,000 a year, he had to consider how any detriment arising to the fund from that abstraction should be provided for. There was a charge upon the fund of £69,000 a year for compensation allowances, which would terminate with the lives of the existing parties.

An hon. MEMBER here moved that the House be counted; but notice being taken that there were forty Members present,



MR. COWPER said, he would not trouble the House with further details of a matter which seemed to be disagreeable to hon. Gentlemen opposite, and therefore it would be enough to state that the *maximum* charge which could be thrown on the public Exchequer would be £35,000, and it by no means followed that that sum would be thrown on the public taxation. The Exchequer during the last year had received from fees in the common law courts and Court of Probate no less a sum than £34,000.

MR. LYGON said, he rose to order. He wished to ask whether the proposition of the right hon. Gentleman did not fall within the scope of the standing order which required that any Motion for public aid or charge upon the people should be brought in in Committee of the Whole House.

MR. SPEAKER: This, being money of the Court of Chancery, does not come under the description of public money. But if there be a guarantee on the part of the public—as I understand will be the case—the clause embodying such guarantee will have to pass through a Committee of the Whole House.

MR. COWPER said, the objection of the hon. Gentleman would not prevail, because the monies which would be expended under the Bill would be voted by the House, and the guarantee would be added to the Bill in Committee. As he had said, there might be thrown upon the public a charge equivalent to the amount received from fees, but the result of the employment of the two funds—the Surplus Interest Fund and the Suitors' Fee Fund—in building these courts would lead to a great saving in the public Exchequer; for by capitalizing the rent saved, calculating the value of the sites of certain buildings now used for offices and courts of justice, and taking into account other expenditure which would be dispensed with, a total of probably £500,000 would go to the credit of the State. If it were found possible to do all that was required for concentrating the courts and legal offices and providing accommodation for the transaction of legal business, for the sum which the present Bill intended to appropriate, £1,400,000, there would be no further charge thrown on the State. It might be, that when Parliament came to vote the necessary money, it would be thought desirable to add an additional sum to carry the principle of concentra-

tion further; but that would be a matter for future consideration, and was not embraced by the present proposition. There existed a large sum of money, which was not appropriated for any purpose, which belonged to nobody, and he believed that it could be employed in no better manner than in the way he proposed. It would not be correct to take the money and employ it for the purpose of relieving the general taxation of the country; but it was not wrong to follow the precedent already established, and to employ the fund for the object which he now explained; and the Commission of 1860 were of opinion that there was no way in which suitors could be so much benefited as by preserving them from the vexations and delays arising from the scattered position of these courts of justice. He would therefore conclude by moving for leave to bring in a Bill to supply means towards defraying the expenses of providing courts of justice and offices belonging to the same.

MR. LYGON said, he was of opinion, notwithstanding the assertion of the right hon. Gentleman that the money belonged to nobody, that it belonged to the suitors in the Court of Chancery. Demands were being constantly made on these funds, and since the agitation upon this question of building law courts, fresh demands had been made on them last year. The Bill substantially laid upon the public funds a charge of £35,000, and therefore he trusted, when the clauses on the point were proposed, that the matter would be carefully considered in a fuller House than the present.

SIR HENRY WILLOUGHBY said, that if it was true that the fees of the Court of Chancery went into the Exchequer, this Bill would in effect take money out of the national funds. Perhaps the right hon. Gentleman the Chancellor of the Exchequer would give the House his opinion upon the subject. The fund it was proposed to employ had, he thought, accumulated mainly because of the protracted delays that used to take place in the Court of Chancery, leaving suitors to die before they could make out their claims.

MR. CRAWFORD said, if those hon. Members who were not able to make up their minds on this subject would read the evidence of the Commissioners for concentrating the Courts, which he had read from beginning to end half a dozen times,

they would see clearly how this fund had arisen. The fund was formed, not from the money belonging to any particular suit, but from the profits which had been made out of the investment of the loose cash of the suitors, and which had accumulated for 120 or 130 years. It was of the nature of the profit which a banker made from investing the deposits of his customers. The subject was very intricate and complicated, and ought to be well considered.

THE CHANCELLOR OF THE EXCHEQUER observed, that the measure was one of such importance as to render it desirable that hon. Members should have their attention closely directed to its provisions, even in its earliest stages. The history of many great works undertaken by the public, and especially of the magnificent building in which they were housed, had not been satisfactory. Parliament had commenced that work with a somewhat inadequate consideration of the cost, and the impression made upon the community by the quadrupling and quintupling of the original Estimates was a feeling that the next time the outside cost of the works ought to be stated in the first instance. The proposal of his right hon. Friend the First Commissioner of Works, however, distinctly showed that in the view of the Government the concentration of our law courts was a scheme of practical improvement, which was worthy of being prosecuted, even at the hazard of a considerable public charge. That being so, they found at their disposal in the Court of Chancery funds which, on every ground of public and private justice, they deemed to be applicable to the attainment of that object, and on the soundness of that view he had no doubt hon. Members generally would concur. So far as he had been able to form a judgment on the matter, it was pretty clear that the funds to which he referred would supply the greater portion of the expense of the undertaking in question; but it was, at the same time, evident from the computation which had been made by the Commissioners, that there was a margin which might render it necessary, first of all, that the public credit, and secondly the public purse, should be called into requisition. The precise extent to which that might be the case he was unable to predict; but the worst aspect of the question had been laid before the House, and hon. Members would have the fullest opportunity of ex-

*Mr. Crawford*

amining all its details for themselves. It was, at all events, but right to state that, according to the computation of the Commissioners, it was plain there would be a certain amount of public charge in connection with the proposed buildings, and that he believed that charge would be even greater than the amount at which they had fixed it; for there was one fund in particular, that which related to the proceeds of the fees of the common law courts, which was at the present moment part of the public property. It was quite plain, therefore, that the proposal of his right hon. Friend presented features which were well deserving of the careful consideration of the House; but for his own part he must say, that although he should be exceedingly reluctant to contemplate the imposition of any additional charge on the public, he felt the advantages of economy and despatch in the administration of justice, which would be likely to be brought about by the concentration of our courts of law, were so great that he had no hesitation in recommending the Bill under discussion to the approval of Parliament.

MR. LYGON said, he felt bound, after the statement of the Chancellor of the Exchequer, from which it was evident that the right hon. Gentleman contemplated that some portion of the expense of the proposed buildings would fall on the public, again to appeal to the right hon. Gentleman (Mr. Speaker) to know whether the First Commissioner of Works had not failed to comply with the principle laid down in the Standing Order in not introducing his Bill in Committee of the whole House?

MR. SPEAKER: As far as I understand the matter, the Bill as presented to the House proposes to deal with the monies accruing from funds in the Court of Chancery. If anything is contained in the Bill itself which imposes a charge on the public, the suggestion of the hon. Member that it should have originated in a Committee of the whole House is perfectly well founded. I do not, however, understand that the Bill contains a provision of the sort; but if it should prove otherwise, then its introduction, save in Committee of the whole House, would be out of order.

MR. HENNESSY asked, whether the present measure was the same as that of last year?

MR. COWPER said, that the Bill en-



acted that, when Parliament voted a sum of money for this purpose, the amount should be taken from the funds belonging to the Court of Chancery.

Leave given.

Bill to supply means towards defraying the Expenses of providing Courts of Justice, and Offices belonging to the same, ordered to be brought in by Mr. COWPER, Mr. ATTORNEY GENERAL, and Mr. SOLICITOR GENERAL.

## ECCLESIASTICAL COMMISSION.

### SELECT COMMITTEE.

MR. HENRY SEYMOUR moved the appointment of the Committee on the Ecclesiastical Commission.

MR. LYGON objected to the composition of the Committee.

Motion made, and Question put, "That Mr. Henry Seymour be one of the Members of the Select Committee on the Ecclesiastical Commission."

The House divided:—Ayes 33; Noes 1; Majority 32.

House adjourned at a quarter before Twelve o'clock, till Monday next.

## HOUSE OF LORDS,

Monday, March 17, 1862.

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Consolidated Fund (£18,000,000); Crown Suits (Isle of Man); Transfer of Stocks (Ireland).

### ITALY.

#### MOTION FOR PAPERS.

THE MARQUESS OF NORMANBY rose to move an Address to Her Majesty for—

"Copies or Extracts of any Despatches from Sir James Hudson, Her Majesty's Minister at Turin, relating to Government Prosecutions of the Press during the last Two Years; Also,

"Copies or Extracts of any Despatches from Sir James Hudson, or from Mr. Bonham, Her Majesty's Consul at Naples, reporting the Issue of certain Proclamations or Orders from Generals Cialdini and Vorelli, from Commandants Gelateri, Narbone, De Virgili, Faieno, and others, whereby the Population of various Portions of the Neapolitan Territory were last Year subjected to arbitrary Military Execution without any Form of Process and without any previous Declaration of a State of Siege: And also,

"Copies or Extracts of any Despatches from Sir James Hudson, calling the Attention of Her Majesty's Government to Statements of Fact as to the Condition of Southern Italy made by Nea-

politan Deputies in the Parliament at Turin, and reported in the official Records of that Assembly."

The noble Marquess said, that some evenings since, in attempting to give an answer to the naturally very indignant inquiry of his noble Friend (Lord Derby) respecting the infamous proclamation of Colonel Fantoni, his noble Friend the Secretary of State for Foreign Affairs had not only denied the authenticity of the proclamation as published in the *Armonia*, but had insinuated that the document was merely a reprint of a proclamation issued many years ago, and by a different Government; and in thus charging the *Armonia* with having fabricated this document, the noble Lord said that that newspaper had ventured to do so, relying on the knowledge that the Italian Government would never institute any prosecution. And when, a few evenings later, he (the Marquess of Normanby) postponed for a few days the question of which he had given notice, on the ground that it had come to his knowledge that this cruel proclamation was not exceptional in its nature, but in reality formed part of an infamous system established by the Piedmontese invaders, the noble Earl said that he did not accept his (the Marquess of Normanby's) version of his speech as perfectly accurate. The noble Lord the Foreign Secretary would not, he supposed, dispute that in making that statement he had a twofold object—to charge the newspaper *Armonia* with having forged or fabricated that proclamation, and to attribute to the newspaper the motive for having done so—not perhaps the most worthy of motives—the knowledge that the mild Government under which Italians lived would never cause the paper under any circumstances to be punished. The most serious part of that charge had since been, he would not say withdrawn, but destroyed by the noble Earl himself, who had admitted the authenticity of the proclamation; and there were circumstances connected with that paper such as to render it improbable that the imputed motive could in any way be justified. That paper was established in 1848 in defence of order and for the maintenance of religion and the throne. It was supported by persons distinguished in their public career, of high attainments, and much beloved and respected by all who knew them. The paper had also the advantage of obtaining the aid of one of the most eminent periodical

writers in Italy, a man as remarkable for his integrity as for his ability. It was not only read on the south side of the Alps, but wherever the Italian tongue was understood. The noble Earl was reported to have stated that "Cavour gave orders that no Government prosecutions should be issued against the Conservative papers, saying, 'I am determined they shall not be prosecuted for anything they say;'" and the noble Earl added, "This may in some degree account for the licence to which these papers have given themselves up." He presumed this assurance had been given to his noble Friend in 1857, when he was at Turin. Would his noble Friend's subsequent experience lead him to place such implicit reliance on any statement made five years ago by Count Cavour as that he should express that reliance in that House? He thought that the history of Savoy and Nice would show this House that the most solemn assurances of Count Cavour did not survive five days, much less five years. Why, in 1859, three weeks after the noble Earl took office as Foreign Secretary, a decree, signed by Count Cavour, had been issued, not only prosecuting but suspending for three months this very paper—the *Armonia*. Such a decree ought to have come under the cognizance of the noble Earl. The cause of the suspension was, that after the battle of Solferino, where the Sardinian army had been saved from destruction by the victory obtained on the other wing of the allies, the Sardinian Government tried every means to thwart the avowed policy of their ally and to shake the authority of the Pope; and with this view repeated attacks having been made on what were called the atrocities of Perugia, the *Armonia* retorted by publishing an article, saying, "Take care what you are about; do not repeat this too often; we know something of these sad necessities. We know it is impossible to suppress a revolution of this kind without resorting to measures which may be afterwards regretted. Have you heard nothing of the atrocious crimes committed at Genoa? Have you not read the proclamation of General Marmora? What you have said may or may not be true; it rests on an *ipse dixit*. We have no desire to raise the question now; but if you continue your attacks, we shall be obliged to state what happened at Genoa, when General La Marmora himself spoke of the deplorable excesses committed in the habitations of the

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Genoese whilst the men were fighting." He felt convinced no law officer of the Crown would assert that for such an article as this a Government prosecution could be instituted in any country with the slightest pretensions to liberty. He would not go through the details of the different prosecutions from time to time levelled against the Italian press, which completely dissipated the illusions of the noble Earl as to Count Cavour's assurances; he would simply state the fact that on the 6th of March, 1861, a few weeks before the death of Count Cavour, five Government prosecutions were instituted at Milan and Turin against three Conservative newspapers. In the case of the *Armonia*, a sentence of two years' imprisonment and 3,000 lire fine was imposed; of the *Piemonte*, two years' imprisonment, and 3,000 lire fine; and of the *Campanile*, four months' imprisonment and 1,000 lire. Those decisions were given at Turin; and at Milan on the same day other sentences of six months' imprisonment and 2,000 lire fine were pronounced against the *Piemonte*, and three months' imprisonment and 2,000 lire fine against the *Campanile*. These heavy penalties had been provoked, in the case of the *Armonia*, not by the publication of any original editorial matter, but simply for printing, without any comment, a letter by M. Rochejaquelein, which had come from France, and had passed through the Post Office. The *Campanile* had treated the speech of the King, not as coming from the throne, but according to the constitutional theory that it was the speech of his Ministers; and the *Piemonte* expressed some doubts as to the amount of enthusiasm with which the King had been received in one of the provincial progresses. He hoped, with these facts in the possession of the House, they would have no more of the excessive mildness to newspapers of Count Cavour's Government, and that noble Lords would in future take more pains in acquainting themselves with the circumstances of which they spoke. The noble Duke, whom he did not see opposite (the Duke of Argyll), certainly brought before the notice of their Lordships a most extraordinary story. His statement was, somewhere in society, on the 26th of February, he met an Italian gentleman, who told him a very long story, of which the noble Duke retailed the substance to their Lordships; and this was the statement he made. The noble Duke



said he had inquired of the Italian gentleman, as well known in England as in Italy, whether he had just arrived from Turin, and whether he had heard anything of the proclamation; to which the Italian gentleman had replied that he did recollect that some time ago such a proclamation had appeared in the *Armonia*, but that strict inquiry showed it to be without truth; that it was merely a *rechauffé* of an old proclamation in Murat's time. Now, what were the facts? The date of the paper was the 19th of February, and the gentleman who had been talking to the noble Duke having just arrived in this country on the 26th of February, it would appear that within seven days he had come from Turin, and had heard a short time before that such a thing had appeared in the *Armonia*. He (the Marquess of Normanby) did not know, nor did he wish to know, the name of this Italian gentleman; but he thought that he was the last person whom any of their Lordships would, if they knew him, consult in future upon any question of fact.

He would now call attention to some statements made by his noble Friend the Foreign Secretary the other night with reference to the state of affairs in Naples—statements which, in his opinion, were no more accurate than were his accusations of forgery against the *Armonia*. The noble Earl stated, to his extreme astonishment, that there was no civil war in Naples, and that the bands which were to be found in arms in that kingdom never numbered more than twenty, or at most forty men. Under these circumstances, it was most extraordinary that the Piedmontese Government during the last year should have maintained 80,000 men in the kingdom of Naples, and that, in the face of the statement that not more than forty men could ever be brought together to face these troops, Colonel Fantoni should have been defeated on the Gargano on the 20th of February, with the loss of men, of horses, and of cannon. How was it possible that such an army as Colonel Fantoni commanded could be defeated by forty men and with such results? The colonel will be more notorious as an executioner than famous as a commander. The noble Earl also said that these conflicts went on only on the Papal frontier; but the very next proclamation, with reference to which a question was raised in another place, was issued at the very extremity of Calabria. How did the noble Earl explain that? More than that

—that very morning accounts had been received that a band consisting of nearly 1,000 men had entered and taken possession of the town of Altamura, a place having a population of 16,000 persons; that the National Guard had refused to act against them, but remained under arms for the protection of order; and that about 500 of the band had been detached to another part of the country, and had defeated, with great loss, a battalion of the 50th Regiment. All these facts came through a correspondent who had hitherto proved himself very accurate; and they threw a considerable doubt on the statement of the noble Earl. The Government did not confine its operations against its opponents to measures warranted by the law. It employed both the law and the lawless. On the 2nd of August, 1861, a sect called “Cameriste Bastanatori,” enrolled under the direction of Spaventa, Minister of the Police, attacked the offices of the following papers:—*Gazetta de Mezzodi*, *Esperanza*, *Araldo*, *Unità*, *Cattolico*, and *Settimana*. They broke and destroyed everything, and threatened the editors with death. The Government looked on with indifference, and the presence of the police legalized the outrage. In the month of July previous the mob broke into an office of one of these journalists, destroyed the presses, arrested the responsible director of the paper, and, in order to obtain the names of his partners, subjected him to torture. On the 9th of November the Cameriste burnt in the public street all the numbers of the Opposition journals which were exposed for sale—namely, the *Stampa Meridionale*, *Araldo*, *Cattolico*, and *Settimana*. The day after, the offices of all the above papers were again broken open by the Cameriste, who destroyed everything. The next day the same violence continued, and the editors were threatened with death. Cognelli, of the *Stampa Meridionale*, demanded an audience of General Della Marmora, and, being unable to obtain it, escaped on board a French steamer. Ventimiglia, director of the *Settimana*, equally unable to obtain a personal hearing, wrote to the General to say that he must suspend his publication, because the Government was either an accomplice in these proceedings or too weak to protect any one, but that he should protest in the face of Europe; and, in fact, in a few days a protest appeared, which was published by most of the continental papers.

On the 14th of January the *Cattolico* was sequestered for inserting a letter copied from the *Lombardo* of Milan, which had not been sequestered for its original publication. The grounds stated for most of these seizures is the republication of articles from other Italian papers, against which no similar measures had been attempted. As late as the 2nd of February, 1862, the Commandant of the National Guard, Topputi, wrote to the Procuratore of the Criminal Court, directing him to double his severity against the Opposition journals. The director of the *Cattolico* received an order to present every day a copy of his paper two hours before it was published to the Questore. In spite of all this persecution, fresh papers come out every day, and are read by the public with the greatest avidity. The lawless conduct of the Piedmontese Government was not confined to Neapolitan or even to Italian territory. They had ventured to take into their hands the punishment of an expression of opinion which offended them on British territory. The commander of a Sardinian corvette, feeling aggrieved at something that had appeared in a newspaper published at Malta, landed, accompanied by his lieutenant, went to the office of the newspaper and committed a brutal assault on the editor in the presence of his daughter. She, however, held the assailant until the police came up and took the two offenders into custody. When the matter was brought under the notice of the Sardinian Consul, he demanded their liberation, and was reported to have said that the Maltese ought to be thankful that the commander had not landed his troops. Here was the same lawless attempt to suppress the free expression of public opinion. The captain and his lieutenant were, however, tried and sentenced to imprisonment—the former for three months, and the other for a lesser period. In proof of the barbarous and ruthless conduct of the Piedmontese Generals, he might refer to other proclamations. On one occasion General Cialdini telegraphed to the Governor of Molise—

“Have it published that I shoot every armed peasant that I take. I have already begun to-day.”

On the 2nd of November, 1860, the following order was issued at Teramo:—

“All the communes of the provinces in which reactionary movements shall show themselves, or have shown themselves, are declared in a state of siege. In all the communes a rigorous and general

disarmament shall take place. All the citizens who fail to give up arms, of whatsoever kind they may be, shall be punished with the utmost rigour of military law, by an immediate Council of War. Gatherings shall be dispersed by armed force; reactionists taken with arms shall be shot. All who spread alarming reports shall be considered reactionists, and punished summarily by military law.—P. DE VIRGILI.”

In August, 1861, General Facino addressed a proclamation to the inhabitants of Voltarino, which was in the following terms:—

“This day I quit Voltarino, but I warn you that if the brigands return I shall return also. I shall then set fire to the four corners of your town, and I shall thus put an end to your incessant reaction. Take my word of honour as a soldier, I shall keep this promise; and in the meantime bear in mind that, out of a population of 3,000, one old man, Nicolas Dandolo, alone resisted the reactionists, and you pretend not to be their accomplices.—The Commander of the Troops in the Capitanata, FACINO.”

Last year it was stated that General Pinelli had been recalled for writing to a newspaper to seek approbation for his military acts. But no censure was passed on him for declaring in one of his proclamations that he “would shoot every one who did not bow down before the Cross of Savoy.” He was also the author of the following order:—

“Soldiers!—Be inexorable as fate; against such enemies pity is a crime. We will drive out and annihilate the sacerdotal vampire—the Vicar, not of Christ, but of Satan. We will purify with fire and with steel the regions infected with his impure slime. Ascoli, February 3, 1861.—General PINELLI.”

Yet last Session, when the Premier of England was informed of some of these horrible incidents, and asked whether the Government would not interfere to mitigate such atrocities, his reply was, “I have much satisfaction in informing the hon. Gentleman that Her Majesty’s Government will do no such thing.” The noble Lord was also reported to have expressed his approval of the successful energy of General Cialdini and Pinelli, and their colleagues. He would also call their Lordships’ attention to the speeches of some of the Neapolitan deputies, denouncing the cruel and oppressive conduct of the Piedmontese Government. He would like to hear what Sir James Hudson had reported of the speeches of Signori Ricciardi, Ferrari, and many others; the first affirming, without contradiction, that if the plebiscite was now renewed, the result would not be in favour of annexation; the second detailing the horrors of

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the burning of Pontelandolfo, and what the British Minister said of the threatened expulsion from the Chamber of Deputies of the Duc de Maddeloni for proposing an inquiry into the unhappy state of his country. We heard enough formerly of the state of the Neapolitan prisons. On the 14th of October there appeared a protest on the part of sixty-one of the first advocates of the Royal Courts against the arbitrary illegalities now practised in the prisons. Most of these advocates either were now, or had been, called Liberals. He believed the noble Earl (Earl Russell), in the statement which he made with respect to the proclamation to which attention was called a few evenings ago, expressed an opinion that it had not been acted upon. He was very anxious to know whether the noble Earl adhered to that opinion, because it was stated in five or six different papers, French and Italian, that upon the 20th of February four women were shot for having in their houses more bread than was required for one day's consumption. As to the prosecutions instituted by the Piedmontese Government against the press, he wished to point out that they had always been directed against leading articles which contained comments tending, as it was said, to bring the Government into contempt, and that the Piedmontese Government had never attempted to prosecute for the publication of facts most injurious to its character. Some three or four months ago a pamphlet was published at Brussels and extensively circulated there. It was then translated into Italian and circulated in Florence and Naples. It was translated into German, and was now translated into English. The Piedmontese Government had neither prosecuted the publishers nor denied the truth of the assertions which the pamphlet contained. It was generally known to have been written by Curletti, a secret agent of police, who was well known to have been confidentially employed in all the localities to which he referred, and he hoped the noble Earl would give his attention to one or two facts which were narrated with clearness and circumstantiality by the writer. Curletti was at Genoa at the time of the so-called Garibaldi expedition. Garibaldi was alleged to have forcibly seized certain vessels for the purposes of his expedition. The pamphlet stated—and the statement had never been disproved—that these vessels were not seized at all; that they were bought by agents of the King, and by

them handed over to Garibaldi. The names were given of those who completed the purchase—General St. Frond for the King, Ricciardi for Farini, and Medici for Garibaldi. The name and address of the King's notary is also given. Another fact referred to a person whom it had been incidentally necessary for him to notice—Dr. Farini. Curletti stated that after Farini had kept open house for a fortnight at the Palace at Modena, with all the Duke's establishment, he employed him (Curletti) to write a *communiqué* to the Bolognese papers, saying that the Duke had left nothing behind him but bare walls. This was at the time when the royal plate was sent by him to be melted down. Farini had given it out that the Duke had taken everything and left nothing behind. When he (the Marquess of Normanby) charged Farini with taking all the Duke's linen from the palace, he was contradicted; but having written to the Modenese Ministers, not to inquire into the facts, because he never doubted their accuracy, but as to the proofs, he was told that the woman who picked out the crown over the letter F in the Duke of Modena's linen could be produced. Curletti also stated an incident of unpardonable atrocity. Upon Colonel Anviti being arrested, he was despatched to Parma with orders from Farini to take the colonel out of prison and to allow the populace to dispose of him. Curletti accordingly went with an order to the gaoler at Parma, and received the Colonel; but other agents of the King, who were subsequently rewarded, seized the unfortunate man, killed him, and dragged his body through the streets. He (Curletti) states himself to have received the Order of St. Maurice for his share in this wickedness. He thought that any man having the least regard for his own character would hasten to disprove, if he could, such statements; but the King of Piedmont had not instituted any prosecution for this publication.

He had to thank their Lordships for the patience with which they had on many occasions listened to him when expressing views which were not entertained by Her Majesty's Government, nor by a large proportion of their Lordships. On some former occasions he had laboured under great disadvantages, because he was unable to give authorities for the information which he had received, and which had been completely confirmed by subsequent events. Till the annexation had been ac-

complished, nothing was allowed to be published in the provinces which had not the sanction of the Government, and for three whole months the whole of his correspondence, which had at first passed through the regular post, had been stopped. But the Government had a right to expect that its agents on the spot would transmit to them accurate information of what was going on ; and Parliament had equally the right to expect that the Government would give them that information when received. And it was to ascertain how matters stood in this respect that he brought forward the present Motion. It was known everywhere, except in England, that the so-called Italian unity is now farther than ever from possible realization. What is the state of that unhappy country ? Universal anarchy, a bankrupt treasury, doubled taxation, ruined commerce, levies oppressive and inefficient, desertions multiplied ; throughout the whole of Central Italy, in Tuscany, Modena, Parma, and the Romagna, general discontent, verging on open revolt ; in the South, famine and indiscriminate military massacres ; in the North, two Parliaments sitting in rivalry to each other—the one self-summoned, republican in its character, and divided in its allegiance between Mazzini and Garibaldi ; the other dragging on a miserable existence, amidst the apathy of its members and the neglect of the people. When a single election occurs, it is hardly possible to collect the number of voters required ; but when the second trial comes, and the election must be definitive, the choice made is almost always the person most opposed to the Ministry. Perhaps noble Lords opposite may think that to lose every election is the normal condition of a popular Government. He did not despair of the future of Italy ; he believed that interesting country would be both independent and prosperous when the impostures of the last few years had been swept away. The noble Viscount at the head of the Government was reported to have said, “ That there was no longer any such thing as the kingdom of the Two Sicilies.” He denied that such was the fact. It required more than the empty boast of a Foreign Minister to destroy an independent kingdom which had existed since the Norman Conquest. The kingdom of the Two Sicilies still existed in the hearts of the people, in the rights of the Sovereign ; and if the doctrine of non-intervention, which had been so long professed and so con-

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stantly violated, were really and honestly carried out, it would exist *de facto* when the crotchets of the two noble Lords had passed away, and were no longer remembered in any part of the Peninsula. The noble Marquess concluded by moving an Address for the documents.

EARL RUSSELL : I am sorry to have to trouble your Lordships again upon the subject of the Proclamation said to have been issued by General Fantoni, but the statement made by my noble Friend (the Marquess of Normanby) requires still further explanation. My noble Friend has taken the course—not a very convenient one—of referring to the reports of the speech I made the other night, and criticising the statements contained in it. That debate arose out of a question put by the noble Earl opposite (the Earl of Derby)—acting on that occasion as the deputy of the noble Marquess—respecting this Proclamation. The noble Earl did not confine himself to an inquiry respecting its genuineness, but he spoke with great indignation of the conduct of the Government of Italy which had sanctioned such a proclamation. My noble Friend says that in answering the noble Earl my motives were twofold. [The Marquess of NORMANBY: That was the impression left.] I cannot see how my noble Friend, who was not here, could tell what my motives were better than myself ; but I can assure my noble Friend that my motives were not twofold. I simply endeavoured to account for the proclamation—not having received any account of it from Sir James Hudson at the time—by the supposition that it was not genuine. My noble Friend says also that I charged the editors of the *Armonia* with falsehood. I do not recollect the exact language which I used, but I certainly did not mean to make any such charge. What I meant to say was, that it was possible that they had taken this proclamation, which was not a genuine one, and had published it as if it were. I still believe that that was a very probable thing. The Italian friend of the Lord Privy Seal, of whom the noble Marquess spoke, alluded not to this proclamation, because he had left Turin some time before, but to some incident which had happened before, and he supposed this might have been a case of the same kind. We neither of us knew anything of this proclamation. I had received no information about it from Turin, the Government at Turin knew nothing of it, and the Commander-in-Chief at Naples



knew nothing of it ; and yet, according to the noble Marquess and the noble Earl opposite, the Government of Italy was to be blamed, and to be held up to Europe as a Government unworthy of respect on account of this proclamation. I have received since then a despatch from Mr. Bonham, our Consul at Naples, and, perhaps, the best account I can give of that proclamation is to read this letter to your Lordships. Perhaps noble Lords on the other side will receive it with more readiness as it does not come from our Minister at Turin. Mr. Bonham says—

“ Naples, March 6.

“ My Lord,—I have the honour to report to your Lordship that having seen in *The Times* of the 26th of February a report of a conversation in the House of Lords relative to a proclamation issued in these provinces, of which I had not previously heard, I called on General La Marmora to ask some information about it. His Excellency told me that the first he heard of it was an inquiry by telegraph from Turin respecting a proclamation said to have been issued by a General Fantoni, there being no general of that name in the service. He at once proceeded, however, to investigate the matter, and found that a Major Fantoni, commanding a battalion, had in effect drawn up such a proclamation and had it printed in Lucera. Having then submitted it to the General commanding the district, that officer at once disapproved and disavowed it. It was set aside and not acted upon in any way. Some person, however, having obtained a copy, sent it, it would appear, to the *Armonia* at Turin, in which it was published. His Excellency added that he had communicated all this by telegraph to Turin, some days ago ; and doubtless your Lordship has been already informed of the circumstance by Her Majesty's Envoy at Turin. I, however, write to state to your Lordship that this proclamation was not published either in the official or any other journal in these provinces until just now, that its publication in the *Armonia* having attracted attention in England, it has been copied into the journal called the *Popolo d' Italia*.”

This is the proclamation which is treated by the noble Marquess as an important act of the Turin Government, and which he says was circulated in all the journals of France and Italy, and must therefore have been known to Her Majesty's Minister at Turin, and on which a grave charge is founded against the Government of Italy. I entirely acquit the *Armonia*, of course, of having invented the proclamation, or of having been imposed upon by some persons who had ; but I ask your Lordships whether, considering the circumstances of the case, there does not remain a very just suspicion that the editors of the *Armonia* must have known something of this proclamation not having ever been actually issued as an effective document at

the time they published it. Is it not possible that at the time they published the proclamation they were perfectly aware, from the persons who sent it to them, that the act of Major Fantoni was not approved by the General of the district, and that it had not been officially sanctioned or published in any way? The noble Earl, therefore, who was my predecessor in office (the Earl of Malmesbury), must see that neither Her Majesty's Minister at Turin, nor Her Majesty's Consul at Naples, was to blame in not having transmitted to me a copy of that proclamation, and in not having asked for instructions with regard to it. My noble Friend (the Marquess of Normanby) next went on to ask several questions about other statements I made with respect to the press in Italy. What I stated then was, that I had a conversation in January, 1857, with Count Cavour, happening to meet him at Nice, when he was in attendance on the King, and I was travelling ; and I supposed from that conversation that, as prosecutions were not taking place, the journals practised greater laxity. The noble Marquess, however, referred to certain proceedings which took place two years afterwards—in the year 1859, just after the battle of Solferino. I know not what Count Cavour may have thought it necessary to do ; but I know perfectly well that soon after the battle of Solferino, when there was a question of the treaty at Villafranca, Count Cavour retired from office, and for some time was not responsible for what took place. But I say at once that I do not consider that the English Government is responsible for these things ; it is the Italian Government alone which is responsible. Her Majesty's Minister at Turin says, and says most justly, that all the prosecutions of the press take place according to judicial forms, that the judges at Turin are appointed for life or during good behaviour, that there is an appeal to a higher Court in case of a conviction, and that he does not therefore consider it his duty to report to his Government every prosecution that takes place, or every judgment or sentence which is pronounced. And I think he did perfectly well. But with regard to this subject, as with regard to many others, I am afraid my noble Friend and myself are utterly at variance. My noble Friend says there have been these numerous prosecutions of the press ; that very harsh measures have been resorted to ; and, speaking of Naples, he

said that not only legal, but illegal measures had been taken in these prosecutions. This may be the case; but my noble Friend must remark that fresh journals come out every day; and the fact that the *Armonia* and other papers, which are conducted with great ability, are published at Turin, shows that a great change in this respect has taken place in Italy. I can remember, and my noble Friend must remember, the time when there were no prosecutions of the press, because no man in those days was allowed to say anything blaming the Ministers or the Government of the day, even in the most simple and harmless manner. I remember when such an able and moderate paper as the *Journal des Débats* was not allowed to enter the kingdom of Sardinia, because it was believed that reading even that paper might induce a greater liberty of thought. This is the difference—a main and broad difference—between the Italy of former days and the Italy of the present time—that whereas no lover of freedom was allowed formerly to publish a word or give any opinion in any newspaper tending to the improvement of the law or a modification of the Constitution, now, while there is no doubt a great deal of violence exhibited by those who favour what has recently taken place in Italy, there is, at the same time, great liberty, or, it may be said, great licence allowed to those on the other side, who are evidently and obviously working for the restoration of the old state of things. Then my noble Friend refers to a statement of four women having been shot; but I cannot find that any member of the Italian Government has heard of it, and I certainly have no information on the subject. My noble Friend says I have denied that there is a civil war raging in the south of Italy. I do deny it. These brigands, no doubt, wish for a change of Government and a restoration of the former state of things; but they act as brigands, they do not assemble in armies, there is no great town or fortress of which they have possessed themselves. They merely disturb and destroy, and do all they can to prevent any regular Government from being carried on. They employ the same means by which the brigands of old times created confusion and disturbances in Italy. And, my Lords, we know that the former Government of Naples—though it is the object of my noble Friend's worship—was very bad; brigandage was common, the administra-

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tion of justice was woefully deficient, men escaped all punishment by bribes. And when a country has been so demoralized by its own Government as Naples has been, it is difficult for any Government to establish a better state of things in less than a generation. If your Lordships will allow me, I will read a despatch from Mr. Bonham, giving another description of the present condition of the country—

“Naples, March 7, 1862.

“My Lord,—I have the honour to inform your Lordship that the Vice Consul at Brindisi reports the reappearance of brigands in that neighbourhood. Bands of marauders are also spoken of as having made their appearance in other districts. I asked General La Marmora yesterday what truth there was in these reports. His Excellency stated that bands had appeared in some places, but in small numbers. He added, ‘Brigandage in this country is an affair of old date, and it is useless to flatter ourselves that it can be suppressed all at once; until we improve our internal communications by the construction of railroads and of common roads, and have an efficient and properly-organized force of Carabinieri in the country, we cannot hope wholly to eradicate it; but these brigands are mere marauders, and not in any way formidable or important as to numbers.’ His Excellency also stated that there had as yet been no disembarkation of adventurers from abroad.”

That is the statement of General La Marmora. He commanded the Sardinian Contingent in the Crimean war, and he must be well known to many officers in Her Majesty's service. I believe General La Marmora's statement is perfectly correct. I also believe he is a man incapable of authorizing unnecessary cruelty. But we know that the army of Italy contains men who were not brought up under a regular military system. The noble Marquess says that great cruelties have been committed, and I fear there is too much truth in that statement. We know how wild were the passions that prevailed on both sides during the conflicts in Italy in 1809 and 1810; we have read accounts of the cruelties inflicted by both sides, of which the memory has been handed down to the present day. We know how little delay there was in the punishment even of Murat, when he landed in arms on the coast of Naples; not twenty-four hours elapsed before he was shot for being in arms against the Government. Can it, then, be wondered at, in the case of the brigands who appear in arms against the present Government, which is the Government *de facto*, that as much severity is exercised against them as was shown in the punishment of Murat, who had been the King of Naples, acknowledged by



nearly all the Courts of Europe? But with respect to these things, as with regard to the prosecutions of the press, I say again that it is not the Government of Great Britain that has to answer for them. We have not to answer for the manner in which the Government of Italy puts down brigandage, nor for any irregularity in the mode in which justice is dispensed. But we do know what is perfectly obvious to all men, that with regard both to the freedom of the press and to religious liberty, the former Governments of Italy never allowed either a free profession of opinion, or any freedom of public worship that was not in conformity with the religion of the State. My noble Friend knows perfectly well what was the condition of things in this respect in Tuscany, the Government of which was allowed to be the mildest form of Government in Italy. There, though people were not molested for not going to mass, yet they were not allowed to meet together for any other form of public worship. Now persons are allowed to entertain their own religious convictions, and are permitted to assemble with others of the same opinions for the purpose of public worship. With regard to the press, there is a great degree of liberty; and a Parliamentary and representative system of Government has been established. All these things are, in the gross, broad lines of distinction between the former and the present Governments of Italy. My noble Friend and I differ on these points; my noble Friend thinks that all that has been done in the last three years ought to be blotted out. He sighs for the days when in Italy there was no religious liberty, no constitutional Government, no freedom of discussion, no representation. [Hear, hear.] My noble Friend seems to deny that; but even if all that has been accomplished in the last three years were done away with; if the kingdom of the Two Sicilies existed as it was four or five years ago; if the Duchies of Tuscany, Modena, and Parma were restored; if these happy times were to be brought back—does my noble Friend indulge the illusion that these Governments would act on the principles the King of Italy has proclaimed? Would they venture to call Parliaments together? Would they allow as much freedom of opinion as the *Armonia* and other newspapers publish now? My noble Friend is much deceived if he thinks so, and I cannot think he is so capable of being deceived. When our representative

was withdrawn from Naples on account of the manner in which the Government was carried on, this matter was forced on the attention of the late King. The King, who was a shrewd man in a worldly sense, said that representative government was quite incompatible with his rule in Naples; he declared he knew how to govern his own country; he asked to be let alone; he said he would never admit French or English ideas of Government or freedom, for if he did, he should not be able to maintain his authority. He was quite right, and to the day of his death he maintained his authority unimpaired; and if his son were restored, he would, no doubt, with filial piety, imitate his example. The question, therefore, really is whether Italy is to have such a Government as the present, or such Governments as existed four or five years ago. I readily admit that there has been great disorder, that great severities have been exercised, and that the party in power have in certain cases behaved harshly to those opposed to them. But there remains still the great cause of liberty on one hand, and tyranny on the other; that is the great distinction; and, whatever my noble Friend may say, whatever cases he may bring forward, I shall maintain that conviction, and continue to hope that the old Governments of Italy may never be restored. With regard to the papers for which my noble Friend asks, we have no despatches from Sir James Hudson about Government prosecutions, nor has Sir James Hudson or Mr. Bonham alluded to these proclamations. Sir James Hudson has, from time to time, forwarded newspapers containing the debates, and I have read some of the speeches. The members of the Parliament of Turin have with great truth expressed their regret that during the first months of the Government of the King of Italy affairs were very much mismanaged at Naples, and many errors were committed. In this they exercise a due right of criticism. They criticise the conduct of the Government as men will do when brought into a free Parliament; and many of those speeches may have been just, and have, I trust, produced amendment. With regard to General La Marmora, he is a man of high character, and I have heard no impeachment of his conduct. I hope he will be able, not with 80,000, but with 50,000 men, to reduce these provinces to order. My belief is that the Government of Italy will continue, and I trust it may prosper.

THE EARL OF MALMESBURY: My Lords, we upon this side of the House stand in a most difficult and a very unfair position, because ever since this Italian struggle began no pains have been spared by the party who support the cause of the King of Italy in accusing us—and most falsely accusing us—of being the enemies of the liberty of that country. It was in vain that I myself, for four or five months, acting under the Government and with the approbation of my noble Friend (the Earl of Derby), laboured anxiously to effect the regeneration of that Italy whose condition we deplored as much as any noble Lords opposite could do. We adopted, it is true, in order to effect that purpose, a different policy from that which at last obtained. But even now, at this eleventh hour, and after all the important events which have been accomplished, I do claim some credit for the course which we then followed. Had we been successful, probably the present state of Naples would not have been what it now is. Had we been successful, 100,000 men at least would have been alive who now sleep in their graves. Had we been successful, the northern provinces of Italy would, with the entire approbation of a Congress of European Powers, have obtained constitutional government without the shedding of one drop of blood. But we failed. Austria, whom we wished to support in her lawful occupation of the territories which she held by treaty, must blame herself alone for the failure of our policy; and nothing can be more false or more absurd than to charge me—as I have often been very unfairly charged by almost the whole press of this country—with Austrian partialities; because I defy any one who will take the trouble to read the book which I laid on the table two years ago to find a syllable in one of my letters or despatches which shows any unfair partiality one way or the other. My Lords, I have reaped the reward of that impartiality, for I have been blamed both by Austrians and Italians. In this matter I am in much the position which the noble Earl occupies on the American question, for he also is blamed by North and South for his impartiality in American affairs. At what is said so unfairly by orators and by the press out of doors I am not surprised, for I am accustomed to see misrepresentation for party purposes; but I am surprised to hear the same statements repeated in this House, where there are men who know exactly

*Earl Russell*

what our policy was and what we did—men who, if they speak from their own convictions and sense of truth, cannot possibly say that we were opposed to the constitutional liberties of Italy. I was sorry to hear the noble Earl state that my noble Friend behind me (the Earl of Derby) had made an indignant speech against the Piedmontese Government when he asked a question the other evening whether Fantoni's proclamation was true. Now, my noble Friend expressed no such indignation, except upon the hypothesis of the proclamation having been issued by the Government. My noble Friend asked for information, and where was he to get it but from Her Majesty's Government? I also asked for information, and asked, as I thought, in very moderate terms, suggesting that it would be very interesting to the public and to this House if the noble Earl's agents in Italy would supply better information than he seemed to have received. How was I met? A noble Duke not now present (the Duke of Argyll) jumped up as though I were attacking the Government, and were asking a very impertinent question. He addressed me much as schoolboys are sometimes addressed—"If you ask no questions"—your Lordships know what usually follows; and he supported his position by immediately giving currency to a piece of false news, for he said that the proclamation was an invention, that it had probably never been written, and that he was assured by a particular friend of his that there was not a word of truth in it. That is the way in which I was answered, and for some minutes I really began to reflect whether I had any right to speak in this House at all. My Lords, I must say that I regret very much to be met in this spirit; and I am sure that the conduct of the Opposition during the whole of the present Session should lead the Government to refrain from so meeting us. I do not believe that in the whole history of England there has been a time when the Opposition showed greater leniency towards the Government, and less of obstruction or of antagonism. But, though we wish at this time to avoid anything like antagonism towards the Government, we cannot forego our right to express our opinions upon what is passing in one of the most interesting countries of Europe. We have a right to ask questions, and to expect answers made in a corresponding spirit of conciliation and of courtesy. The noble Earl has said, with justice, that the English Government is not



to be condemned for any acts of cruelty which take place in Italy, whether sanctioned by the Piedmontese Government or not. In that I perfectly agree; but still Her Majesty's Government, from the moment of their first taking office, have identified themselves with the Italian Kingdom, giving to it all their moral support; and they went further (and I am not sure that here they acted wisely), for they approved the descent of Garibaldi upon Sicily, and afterwards his still more questionable expedition into Naples. Her Majesty's Government are therefore so far identified with what is taking place in Italy that they must, for the very consolidation and establishment of Italian liberty, be anxious that no deeds shall be committed there which shall bring shame and disgrace upon the Italian cause. That being so, surely it is not asking too much of the Government that they, speaking in this peaceful country, where they can judge with calmness and deliberation of what is passing far away, should interfere with their friendly advice, pointing out to the Piedmontese Government how dangerous it is to their cause and to their final success to suffer cruelties like those of Fantoni's proclamation, and not to check and prevent them with a high hand. I also deprecate the practice of accusing me, or my noble Friends behind me, of illiberal views because we give our opinions as to what is passing in Italy. I said just now, that although I perfectly agree with the noble Earl's policy of non-interference in Italy, I think he lost an opportunity for the good of Italy when he declined to agree to the French proposal to prevent Garibaldi from crossing into Naples. There is no question that for many years there was in Italy a desire for Italian freedom and Constitutional Governments; but Italian unity is an idea that arose long afterwards; and I cannot but think that it is a great mistake. By it has been sacrificed the reality of freedom in that country. It arose from a set of Piedmontese, who took up a map of Italy and wished to arrange it as you would a dinner-table. That was the way in which the idea first got abroad. It was taken up, and it has been acted on in the manner we have all seen. My opinion is, that by acting on it they have got the shadow, and postponed, for a long time at all events, the reality of that freedom which we should wish to see Italy enjoy. A Government might have been formed in the Northern States, which from their great similarity of

tastes and interests, would have readily amalgamated; but I believe that between the Northern and the Southern States it is hardly possible that a complete fusion should exist. It is impossible to conceive a greater difference in temper, taste, and character—in every way—than that which exists between the Neapolitans and the Piedmontese. Whatever the noble Earl may say—whether or not he may call that civil war which divides the country between two parties—this he may depend on, that, according to the best sources of information, the Piedmontese are hated in Naples as much as ever the Austrians were by the Piedmontese themselves. The feeling of the Neapolitans with regard to a union with Piedmont is like that of the old Bretons in Brittany—*Potius mori quam fedari*. That is my opinion—but I must say that I think this is an Italian, and not an English question; but after what has been stated in your Lordships' House, I cannot help asking the noble Earl whether he is not mistaken as to the state of Naples; and whether he is not incorrect in the flourishing account which he has given us as to the way in which persons prosecuted by the Government are treated in Naples? I have here a letter from a gentleman giving a most exact account of what is taking place in Naples. It differs very materially from that of the noble Earl; and as it relates to a subject of considerable importance, I will read it to your Lordships. I would not do so did I not know that the writer is one whose word may be relied on. It is as follows:—

"I enclose you by a safe opportunity some few remarks on the present state of things here and in the provinces, mainly confining myself to what I have had come immediately under my own observation and could gather from thoroughly authentic sources. Having gone down there principally to see a friend who has been five months in prison in Santa Maria Apparente, I have had opportunities of seeing a good deal of the working of the system; and, after the letters of Mr. Edwin James and Mr. Gladstone, one naturally hoped their *protégés* would have profited by so many warnings and avoided copying the Bourbon prison cruelties we heard so much of. I do not believe any one has an idea of what goes on in the prisons with regard to the wretched Royalists, who are used like brutes. I heard a Piedmontese officer say myself, the other day, they gave, and should give, no quarter to Royalist prisoners even taken in fair fight, now the kingdom of Italy is declared! And they certainly act on this resolution whenever the opportunity occurs. The Murat faction are, I think, nearly a quarter of the population, and they are gaining strength, as you may imagine, from all these cruelties, as they would make the Sultan of Turkey a welcome ruler in comparison. Nothing is a worse feature of the revolution than the

public sale and exposure of the most abominable prints, photographs, and books, expressly invented, I should say, to corrupt the youth of both sexes. No shop in London would escape the seizure of its stock if such infamies as, I see daily here were allowed. The atheist press, too, is doing a fine trade, and even the life of our Lord Jesus Christ is turned into a scandalous novel, under the title of *The Carpenter of Nazareth*. Libels of the most disgusting kind on the Royal Family, on the Pope, on the ministers of religion, and even the poor Sisters of Charity, swarm on every bookstall; and I scarcely could have believed the indecency of them if I had not gone to see them myself. The reaction is still very strong in the Forest districts, and many young men of good family have joined it, concealing their names in most cases. The Comte de Christen has been five months in prison on the merest suspicion; and when I saw him on Friday, after repeated refusals on the part of the authorities, it was the first visit he had been allowed to receive during that time, having been kept in solitary confinement and deprived of all communication from without by letter or otherwise. You may have frequently seen his name in connection with some of the most daring sorties that were made from Gaeta and the Abruzzi last winter; at Banco, among others, which he especially distinguished himself at by his gallant defence against an overwhelming force under Sonnaz; and this is a miserable revenge for his courage and loyalty. That his ability was thoroughly appreciated by his enemies is easily guessed by their having (after Banco) offered him a general's commission to pass into the Italian ranks; which he refused, and he is now lying in prison, and cannot get a trial, though it was promised months ago. A brief mention of this case would, I feel sure, be of essential service to him, if made in the House of Commons, as there is nothing would have such an effect in Turin. The mere knowledge that the facts are mentioned is enough to influence it, and would at any rate serve to hasten his trial, which is what he is principally anxious for, as, there being no evidence against him, he would be sure of an acquittal. It would be a kindness to a very gallant and honourable soldier."

It was because I was in possession of such facts as these that I thought it my duty to rise and state to the noble Earl opposite, and to the Government, what I have heard, and constantly heard, from the best possible authorities—persons whom I have no sort of scruple to name to the noble Earl in private, and whose statements he will at once admit must be credible. If the noble Earl does value, as I know he does, the success of the liberties of Italy; if he does value, as I am sure he does, the fame of this country, which has gone hand in hand with this revolution, I would ask him to separate England from deeds of this kind, and make it known to the world that she will not be in any way connected with atrocities of the character which we have reason to believe have been perpetrated in Southern Italy.

*The Earl of Malmesbury*

LORD WODEHOUSE said, he was not surprised that the noble Earl who had just addressed their Lordships should be sensitive as to the policy of this country towards Italy. He willingly admitted the fairness with which the noble Earl had acted towards those who had charge of the foreign policy of this country since the noble Earl himself held the seals of the Foreign Office; and he certainly felt grateful for the noble Earl's forbearance towards himself personally during the time when it was his duty to answer in their Lordships' House questions on foreign affairs. But, on the other hand, he did not think the noble Earl had anything to complain of in the conduct of noble Lords now on the Treasury bench during the Administration of the late Government. The noble Earl often talked of the policy of non-intervention. As regarded actual interference, the policy of the late, and that of the present Government, had been the same in respect of Italy. The difference between the two policies was this—that the present Government had given a moral support to the Italian patriots, while such aid was not given to them by the Government of which the noble Earl had been Foreign Secretary. He did not think that the noble Earl had taken any steps against the Italian movement. He thought the noble Earl had been strictly impartial. He had read with attention the papers drawn up by the noble Earl, and he thought he had a right to claim that credit. But the Liberal side of the House, acting, as he thought more in accordance with the opinion of the people of this country, had given a moral support to the Italian patriots in their endeavour to secure independence. He thought that was the true distinction between the two policies. But there was an observation of the noble Earl (the Earl of Malmesbury) in which he entirely concurred, which was, that those questions which had been brought under discussion that evening were rather Italian than English questions; and his noble Friend, with a discretion which he should have expected from him, refrained from going into details such as those into which the noble Marquess had entered. He remembered that during a space of two years the noble Marquess had made a practice of coming down to that House with extracts from journals and correspondence that had fallen into his hands—properly fallen into his hands, no doubt. Those the noble Marquess mixed into a kind of *olla podrida*, and then called on the



Government to give answers to the statements which they contained. Many of them, of course, could only be answered by the Government at Turin. The English Government did not feel called upon to defend all the acts of the Government of Turin. There was an evident *animus* against the Italian Government on the part of the noble Marquess. As far as the noble Marquess was concerned, and any one who adopted the language which he held, sympathy must be taken to exist with the reactionary party. But, as regarded other noble Lords opposite, there was this distinction:—During the last two Sessions they were extremely careful not to identify themselves with the noble Marquess in any of the questions which he had put to Her Majesty's Government relating to occurrences in Italy. The noble Earl, however, who had just sat down, although he might be disjoined from the opinions of the noble Marquess, had certainly given to-night a kind of countenance and support to the questions which he asked. At the same time the noble Earl must be entirely acquitted of sympathizing with the noble Marquess in his desire that those Governments, so much regretted by the noble Marquess, should be restored. The noble Earl rightly represented the general feeling on both sides of the House in favour of free government in Italy, and wisely drew a distinction between the unity of Italy and the federation of Italy. Those who had read the papers presented to the House must see that Her Majesty's Government also had taken a fair and impartial line; they had not absolutely embraced the proposition of an united Italy, but they had looked fairly at facts as they arose. The noble Earl in the observation which he made about the selection of a central point in the map of the Peninsula forgot that there were historical associations connected with the city of Rome, which naturally led Italians, apart from its central position, to desire that it should become the capital of the new kingdom of Italy. He had risen merely for the purpose of pointing out what seemed to him the great difference existing between the policy pursued by the noble Earl and Her Majesty's present Government; at the same time he freely acknowledged that the noble Earl was entitled to the credit which he claimed for impartiality.

THE MARQUESS OF CLANRICARDE said he had no wish to be considered a defender of all the acts of the Italian Govern-

ment, but thought it right to state that the noble Marquess had been led into error with regard to the circumstances under which Colonel Anviti was assassinated. He could state a few facts for which he could vouch, which would exculpate the Italian authorities from any complicity in his murder. He happened to be on the spot a few days after the occurrence, and learnt the facts from various quarters, both official and non-official. It was alleged that the authorities were aware of the Colonel's projected journey to Parma, and that they had lodged him in gaol in order that he might be torn out by the mob. There was a break in the railroad at a few miles distance from Parma, and Colonel Anviti, who, he believed, had not previously been recognised by anybody, was obliged to get out of the carriage, and walk along the road with the rest of the passengers. He was then noticed by persons familiar with his appearance, and on his arrival at the station the rumour spread like wildfire. He was not actually seized at the station, but at a short distance from it, before he could reach the town. The arrest did not take place by authority; it was the mob who seized him, and the soldiers of the picket stationed there for the purpose of protecting the Custom-house officers, interfered to save him. They succeeded in getting him into the guard-house, and kept him there for a short time; but before any of the municipal authorities could reach the spot the guard-house was forced by the mob, and Colonel Anviti was assassinated, under the circumstances with which their Lordships were acquainted. He believed some of the soldiers were wounded in the affray, and that there was no commissioned officer present; he knew that strict official inquiry was made, and that the authorities in the strongest manner deplored the assassination. He would ask the noble Marquess did not the fact that the people behaved like savages, and committed all sorts of atrocities, show the state of exasperation to which they were driven against the Government of which Colonel Anviti had been so long an instrument? He gave entire credit to the assertion of the noble Earl opposite that he was a sincere friend of Italian freedom and Constitutional Government; but with his wishes in that direction was mixed up a desire to maintain the Treaties of 1815.

THE EARL OF MALMESBURY: And to establish Constitutional Government, and refer the whole question to a European Congress.

THE MARQUESS OF CLANRICARDE said, that the Treaties of 1815 were inseparably mixed up with the question of Austrian influence in Italy; and as the Austrians had over and over again shown their determination not to allow Constitutional Government in Italy, it was difficult to see how a desire for Italian freedom could be reconciled in practice with strict adherence to the Treaties of 1815.

THE MARQUESS OF NORMANBY said, he was most unwilling, after having already occupied so much of their time, to detain them even for a moment; but although there was not much on which he thought it necessary to make any reply at such an inconvenient hour, yet he could not pass over in silence what his noble Friend (the Marquess of Clanricarde) had just said as to the murder of Colonel Anviti. He had no intention to treat the details just given as a mere traveller's tale, since they were perfectly consistent with the confession of complicity in that crime made by the writer of the pamphlet to which he had already alluded. The tale was taken up by Curletti at the point where it was left by the noble Marquess's informant. To justify what he had already stated, he had better read the account in a few lines, as published in this pamphlet three months ago, which had never been contradicted—

"I was busy in my cabinet, when Farini rushed in, crying, '*Make haste, you must go at once to Parma. Colonel Anviti has been arrested there at the railway station. He was the Bourbon executioner.*'"

"These were his very expressions, not a word of this conversation has escaped my memory. 'What must I do?' I replied; 'bring him to you?' 'No, not so; I should not know what to do with so dangerous a fellow. But,' after an ominous pause, 'we could not touch him without raising an uproar; the populace must settle this affair. You understand me.' I went. It is well known what happened.

"But many details have escaped public notice. As a consequence of my sad and deplorable mission, I was recompensed with the cross of St. Maurice and St. Lazarus. The governor of the prison, Galetti, the same who, by command, had let his prisoner be taken from his custody, was advanced from the governorship of the prison to the direction of the Post Office. Many will ask how it happened that a man whom some police officers could easily take from the railway terminus to the prison, could be torn off from this place by rioters; that such a man could be murdered, dragged during several hours along the streets, and all that in presence of a watch of its Carabineers, intrusted with the defence of the prison, and in a town which had then a garrison of about six thousand men. I have but to reply this: I obeyed my orders, and the immediate tools of this dreadful assassination were easily found. Thus Davidi, the man who, after having dragged the bloody

corpse of Colonel Anviti along the streets of Parma, decapitated it, to set the head as a trophy upon the pyramid of the Government, was the very same day appointed governor of the prison of Parma. Two months ago he was still in this office."

He really hardly knew whether his noble Friend (Earl Russell), by his explanation of the Italian gentleman's account of the proclamation, meant to uphold or disclaim the statement given to the House by his colleague, the Lord Privy Seal. Certainly the allusion now for the first time made to another proclamation at some other time, was completely at variance with the interpretation which every one had hitherto given to the apparently obvious meaning of the Duke's words.

One word, as to the feelings which his noble Friend supposed to actuate him in the course he had uniformly taken on the Italian affairs. Of all the gratuitous suppositions in which he had indulged, he thought that to any one who had known him so long and under so many different circumstances, the imputation of indifference to religious liberty was the most unjust and unfounded when applied to central Italy, as he (Earl Russell) well knew, from his residence on the spot at the time, that he had done more than any other individual to secure from religious persecution the Tuscan Protestants, and had, in consequence, received a deputation from them conveying their thanks. Though the noble Earl did not give him much encouragement as to the extent of information he was likely to obtain from the papers for which he had asked, he would persevere in his Motion; as thereby they would at least obtain practical proof how little knowledge of what was going on his noble Friend derived from his diplomatic agents.

*Motion agreed to.*

House adjourned at half-past Seven o'clock,  
till To-morrow, a quarter before  
Five o'clock.

## HOUSE OF COMMONS,

*Monday, March 17, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Mutiny; Marine Mutiny; Charitable Donations and Bequests (Ireland); Burials.  
2<sup>o</sup> Chancery Regulation.

*The Earl of Malmesbury*



THE NEWCASTLE-ON-TYNE MURDERER.—QUESTION.

SIR HENRY WILLOUGHBY said, he wished to inquire, Whether the man Clark, who has been sentenced to death for the murder of Mr. Frater, an Income Tax Collector at Newcastle, has been respited; and whether there is any reason for supposing that the unfortunate man has been and is undoubtedly insane?

SIR GEORGE GREY: Sir, the sentence in the case has not been commuted, but the execution of it has been respited wholly on the grounds of the alleged insanity of the prisoner. The facts are these:—Immediately after the trial the Judge wrote to me to say that he felt it his duty to take the first opportunity of bringing under my attention the peculiar circumstances of the case. He agreed with the verdict of the jury, because there was no evidence that at the time of the commission of the crime the prisoner was insane; but his conduct at the trial was of the most eccentric and extraordinary character; and it was the opinion of the medical officer of the prison, who was stated to be a man of great experience, that the prisoner was insane. This, as the learned Judge truly observes, is a circumstance of immense importance as to whether the sentence he had felt it his duty to pass should be carried into effect or not. Before I took any steps founded on that view I directed the Medical Inspector of Prisons to go to Newcastle, see the prisoner, and form his own opinion. This gentleman had several interviews with the prisoner, sometimes by himself, sometimes in conjunction with the Governor and Chaplain of the prison, and he reported his opinion to me in the most decided terms that the prisoner was insane; and in that opinion the authorities of the prison concurred. I therefore respited the execution of the sentence, and wrote to the visiting justices to request that they would take the necessary steps for having the prisoner committed to an asylum. I received an answer to that communication, and a certificate signed by two physicians in Newcastle, testifying in express terms to the insanity of the prisoner; so that there were altogether four medical men who concurred in that opinion. But the visiting justices declined to concur in the opinion; consequently the requirements of the law were not satisfied, which alone would authorize the Secretary of State to

direct the removal of the prisoner to an asylum. I have, therefore, written to the visiting justices, calling their attention to all the circumstances of the case, pointing out the difficulty which arises from their refusal. No doubt they were influenced in what they did by the conviction of their own minds, but I have directed their attention to the duty which has devolved upon them of taking care that the prisoner is placed in such a position that he can do no injury to himself or others.

PUBLIC EXPENDITURE ACCOUNTS.

QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Secretary to the Treasury, Whether in the Return No. 402 of Session 1861, relating to Public Income and Expenditure, the Public Expenditure in each year is stated at the amount estimated immediately after the close of the year, or at the amount ascertained by actual audited accounts?

MR. PEEL replied, that the Return was not prepared in either of those ways. The figures were the same as in the annual finance accounts.

UNITED STATES AND MOROCCO.  
ARREST OF CERTAIN PERSONS.

QUESTION.

MR. DARBY GRIFFITH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Lieutenant of the *Sumter* and the ex-Consul of the United States at Cadiz, who were arrested on landing from the *Ville de Malaga* steamer by the United States Consul at Tangier, were taken down to the harbour, and embarked as prisoners on board the United States frigate the *Ino*; whether the Moorish Government did not protest against this proceeding, and only yielded to the threat of the United States Consul that he would strike his flag; and whether it is the opinion of Her Majesty's Government that the jurisdiction with which, by the existing Capitulations or Treaties, European Consuls are invested over their countrymen in Mahomedan countries, empowered them to take judicial cognizance of alleged political offences committed in any other country; and, if not, whether the British Government will take means to protect our faithful Ally the Moorish Government from such infringement of its independence?

Mr. LAYARD said, he owed an apology to his hon. Friend and the House for having on a previous occasion misinformed them on this subject. In fact, it was only at the close of last week that the Foreign Office received the information which he was now about to give. He had stated before, that two gentlemen—one the purser of the so-called Confederate States steamer *Sumter*, and the other a gentleman who was formerly United States Consul at Cadiz—were proceeding on a voyage from Cadiz to Lisbon. According to Mr. Myers the purser's statement, hearing that a fellow-citizen was ill at Tangier, they landed to see him, and were returning to embark, when they were met by the American Consul accompanied by a Moorish guard, arrested on the spot, and carried to the Consulate. They were then loaded with heavy irons and confined in a most improper place. The commander of the *Sumter*, hearing what had occurred, wrote a letter to the Moorish authorities, and sent it to Mr. Hay, Her Majesty's Consul, requesting him to deliver it, and to make use of his influence on behalf of the prisoners. Mr. Hay delivered the letter, but declined to take any steps in the way of interference. That happened on the 19th. On the 26th the United States vessel *Ino* arrived at Tangier; the captain landed with a number of his crew armed, and proceeded to the Consulate. The Moorish Government in the mean time had learnt that those gentlemen had been arrested upon political accusations alone, and they sent a letter of remonstrance to the Consul. The Consul declined to surrender the prisoners, and fell back upon an article in a Treaty which had been concluded between Morocco and the United States. In order to explain the circumstances it was necessary for him to refer to our own Treaty with Morocco. By the 11th article of a general Treaty between Her Majesty and the Sultan of Morocco it was stated that should the British Consul General or any British Consul, Vice Consul, or Consular Agent, have at any time occasion to request from the Moorish Government the assistance of soldiers, guards, or armed force for the purpose of arresting any British subject, the demand should be complied with on payment of certain fees. By the 23rd article of the Treaty between Morocco and the United States it was said that the Consul of the United States should reside at any seaport of the Moorish dominions, and should

enjoy all the privileges which the Consuls of any other nation enjoyed. It was upon this article that the Moorish Government were called upon by the United States Consul to furnish men for the arrest of the gentlemen in question. When it became known in Tangier that those gentlemen were about to be transferred to the *Ino*, a large assemblage of Europeans and natives took place; they threatened the United States Consulate, and for some time a serious riot was apprehended. The United States Consul sent for Mr. Hay; but he declined to interfere, and at the same time remonstrated with the Consul, who fell back on the 23rd article of the Treaty. Mr. Hay pointed out that the right of affording asylum belonged to the Moorish Government, and that the article of the Treaty referred to really applied to criminals, and not to persons charged with political offences. The United States Consul declined to accept that interpretation of the Treaty; and on the remonstrance of the Moorish authorities he threatened not only to lower his flag but to declare war against Morocco. The Moorish authorities were so alarmed by this threat that they felt compelled to give the troops required, and the two gentlemen were marched down under the guard of those armed troops and of the seamen of the United States vessel, who were also armed, and put on board the *Ino*. Her Majesty's Government believed that Mr. Hay took a right view of his duty throughout, and approved his conduct. In reply to a question put by his hon. Friend the other night he (Mr. Layard) stated that these persons had been released; that statement was made on the authority of a telegram which had been received at the Foreign Office from Lord Cowley, at Paris. Not hearing any such intelligence from other sources, the Foreign Office applied for information again, and Lord Cowley stated in reply that the telegram previously sent by him had been founded upon information communicated by M. Thouvenel. The Foreign Office then telegraphed to Her Majesty's Minister at Madrid, but got an answer that he had no official intelligence whether they had been released or not. Upon that the War Office telegraphed to Sir William Codrington, the Governor of Gibraltar, and it was not until late on Friday night that his answer was received—too late for communication to the hon. Gentleman. That answer stated that the gentlemen arrested were shipped on board the *Ino*, were transferred at sea to a mer-



chant vessel, and carried off to the United States. He (Mr. Layard) trusted that the House would acquit him of having intentionally misinformed it. The facts required no comment. For the sake of justice, of humanity, of the sacred right of affording asylum to persons accused of political offences—a claim preferred by the weakest and recognised by the strongest Powers—he might be permitted to express an earnest hope—indeed, an earnest conviction, that when the circumstances came to the knowledge of the President of the United States, he would at once order the release of the prisoners.

#### UNION OF THE CITY BENEFICES.

##### QUESTION.

VISCOUNT ENFIELD said, he wished to ask the Secretary of State for the Home Department, Whether the provisions of the Union of the City Benefices Act, passed in the Session of 1860, have yet been put into operation; and if not, to inquire the reasons for such delay.

SIR GEORGE GREY said, he was sorry he could not give any information as to what had been done under the Act. The Commission of Inquiry could only be issued by the Bishop of London or the Bishop of Winchester on their being satisfied that the union was desirable. He was not aware whether any sufficient case had come under their cognizance, and the Government had no power to interfere.

#### INCOME TAX—BANKERS' CLERKS.

##### QUESTION.

MR. DISRAELI said, he rose to inquire of Her Majesty's Government, Whether any change has taken place in the original decision (1842) of the Board of Inland Revenue that voluntary gratuities to Bankers' Clerks should not be assessed under the Income Tax Act, and the cause of that change, if any? From the time of the original imposition of the Income Tax the practice had been to levy no Income Tax on the Christmas money or gratuities presented to Bankers' Clerks by the customers of Bankers; but he was informed that it had been recently attempted to impose the Income Tax on those sources of income, and that the attempt was confined merely to banking-houses in Westminster. He therefore wished to know whether the Government have sanctioned this demand for Income Tax; and whether they can throw

any light on the anomalous state of the law, by which Bankers' Clerks in the City were exempt from this particular application for Income Tax, while a demand for it was made on the Bankers' Clerks in the west end of the town?

THE CHANCELLOR OF THE EXCHEQUER said, he knew nothing of any decision having been taken in this matter, the application of which was confined to the limits of Westminster. He was informed that in 1842, before the Board of Inland Revenue existed, and when the duty of collecting the Income Tax belonged to the Board of Taxes, the question arose whether presents to Bankers' Clerks at Christmas and other seasons were liable to assessment for the Income Tax, and the opinion of the Board was that they were not liable to be taxed. In September last, however, the clerk of the Income Tax Commissioners of St. Martin's put, on the part of the Commissioners, a question, not precisely in the terms asked by the right hon. Gentleman, for the purpose of ascertaining whether these annual subscriptions or Christmas money given to Bankers' Clerks were liable to the Tax; and the Commissioners' clerk stated at the same time that the gratuities referred to were received by the bankers, brought to account by them, and distributed among the clerks according to their periods of service. He mentioned these details because this was a matter of construction and not of discretion, and in the construction of law much depended on the particular circumstances. The question was treated as a matter of business by the Board of Inland Revenue who referred it to their legal adviser, who reported that the sums in question appeared to come under the head of profits and gains arising and accruing from the employment of these persons as clerks, and were accordingly chargeable with duty. Consequently, the Board deemed it to be their business to charge the Income Tax on these gratuities. With regard to a matter of law, it was not for him to give any opinion; but his own decided impression was, if there existed error, it was in respect to the decision of the Board of Taxes in 1842.

#### REGISTRY OF DEEDS OFFICE (DUBLIN).

##### QUESTION.

COLONEL GREVILLE said, he wished to ask the Chief Secretary for Ireland, If

his attention has been called to the state of the Registry of Deeds Office in Dublin ; and if Government intend to bring in a Bill to carry out the recommendations contained in the Report, which has just been printed, of the Council of the Incorporated Society of the Attorneys and Solicitors of Ireland on the subject?

SIR ROBERT PEEL said, it was the intention of the Government to bring in a Bill to consolidate and amend the Law, to which the recommendations in the Report referred.

#### INTERNATIONAL MARITIME LAW.

RESOLUTION—ADJOURNED DEBATE.  
(SECOND NIGHT.)

Order read for resuming Adjourned Debate on Question [11th March],

“ That the present state of International Maritime Law, as affecting the rights of Belligerents and Neutrals, is ill-defined and unsatisfactory, and calls for the early attention of Her Majesty’s Government.”

Question again proposed.

Debate resumed.

MR. LINDSAY said, that the hon. Gentleman the Member for Rochdale (Mr. Cobden), who was to have resumed the debate that evening, was suffering so severely from cold and hoarseness that he felt unable to speak at that time ; he hoped, however, to be able to do so during the course of the evening. Under these circumstances, he (Mr. Lindsay) would venture to offer a few remarks to the House. Objections had been taken to the form of the Motion. That was a course which was very frequently pursued. The fact was, that when a principle was not easily answered, it was common enough to take objection to the form in which the principle was put before the House. No doubt, if the hon. Member for Liverpool (Mr. Horsfall) had brought forward his Motion in any other form, similar objections would have been taken to it. There were many in the House who had long held the opinions expressed by the hon. Member for Liverpool (Mr. Horsfall). He (Mr. Lindsay) had long done so ; and after the Declaration of Paris in reference to the rights of neutrals had been adopted, the international maritime law of the civilized world had, in his opinion, been placed in so very unsatisfactory a condition, that early in 1857 he brought the subject under the consideration of the House. At that time the

noble Viscount, then, as now, at the head of the Government, said the question required the gravest and most deliberate consideration on the part of the Government. The noble Earl the present Foreign Secretary, who was not then in office, said the question was one of the utmost importance—that the facts stated by him (Mr. Lindsay) were very serious, and that he would like to hear some statement on the part of the Government of the grounds for entering into the Declaration ; and he concluded by saying that the whole matter was very unsatisfactory, while it was most grave in its bearing on our naval supremacy. He (Mr. Lindsay) had also brought the subject under the consideration of the Merchant Shipping Committee, of which he was a member, and that Committee unanimously reported that it was desirable for the true interests of this country that all property not contraband of war should be respected during war. The subject was not therefore new. Now, if the Resolution offered to the House by the hon. Member for Liverpool sought to pledge Her Majesty’s Government to make all private property exempt from capture at sea, he could well understand—though he held to that principle—that the House would require time for further consideration before agreeing to it. But all that the Resolution asked was, that the House should affirm “ That the state of international maritime law, as affecting the rights of belligerents and neutrals, was ill-defined and unsatisfactory, and called for the early attention of the Government ;” and he did not see how it was possible to controvert the truth of that statement. When he considered the vast change introduced by the Declaration of 1856, and its bearing upon all classes of the community, he thought they could hardly do otherwise than declare the present state of things unsatisfactory. In dealing with this question they must consider it, first, as it affected ourselves, and, second, as it affected our enemies. With regard to ourselves, the reasons which had been adduced why a change should not be made were, first, that our ships and commerce were spread over every sea, and required our fleets to defend them. Then it was said, that if we took the step in advance proposed, we should deal a fatal blow at the naval power of England, and commit an act of political suicide. On the other hand, by allowing the present state of things to remain, it was said that

*Colonel Greville*



we should retain the great source of our power, which was our ability to destroy the commerce of the enemy. Now, as to the first of these objections, let them suppose that unhappily we were at war with France. In that case, let us ask the question, would we require our large fleet to protect our ships and commerce on the sea? No; for the simple reason that all our commerce would be conveyed from this country under neutral flags. No sane merchant would ship in any other than American, or other neutral bottoms, so long as there was a remote danger even of British ships being captured. The result would be that all British ships would be laid up in port or transferred to neutral nations. Thus, then, the objection that we should require our fleets to protect our ships and commerce, in his opinion, entirely fell to the ground. Again, it was said that our fleets would be required to destroy the commerce of the enemy; but what applied to our own commerce applied equally to that of the enemy. The merchandise of France would be carried in neutral bottoms. We should therefore find in the commercial intercourse of nations no opportunity for the display of our maritime superiority. But did the destruction of private property help to restore peace? He did not believe it had that effect, and the noble Viscount (Viscount Palmerston) had expressed a similar opinion at Liverpool some years ago. He (Mr. Lindsay) believed that the destruction of private property, instead of bringing war to an end, tended to prolong it. Take, for instance, the recent burning of the *Harvey Birch* by the *Nashville*. The *Harvey Birch* was a trading vessel belonging to some private merchants in the Northern States who had hitherto taken no part in the war. Knowing the weight of taxation placed on the South by the North, they probably thought, that though the South had no right to rebel, yet that it had a right to complain loudly. Now, no doubt they felt that the destruction of their ship was a wanton and wicked act; and, instead of standing aloof from the war, they would use all their energy against the Government that gave a licence to the ship which had, in their opinion, thus wantonly destroyed their property. Did any one suppose that the destruction of the property of the poor Fins during the Russian war tended to promote peace? It was said by the right hon. Gentleman the Secretary of War (Sir George Lewis)

that war put an end to all engagements of the nature of treaties, so far as regarded the nations at war; and that if we were engaged in a war with France, it could not be supposed that either France or England would respect the Declaration of Paris. But it must be borne in mind that Austria, Russia, Prussia, Sardinia, Turkey, and forty other Powers, were also parties to it; and if we were involved in a war with France, that country would take good care, if we desired to violate the treaty, to call upon the other nations to remonstrate with us, and, if necessary, to take part with France in seeing that England observed the stipulations of a treaty to which they all had been consenting parties. Thus we might be placed in a very awkward position. The hon. and learned Gentleman (the Attorney General) said he admitted the Declaration of Paris must give advantage to neutral vessels over those of belligerents, but that he could not agree with the hon. Gentleman (Mr. Horsfall) that the further effect of the Declaration would be to put a stop to our carrying if we were belligerents, because we were so strong at sea as to be able to defend our maritime flag everywhere. But he (Mr. Lindsay) believed, that if a war were to arise between this country and any other great maritime nation, it would be impossible for our navy to ensure complete safety upon the high seas to our vast commercial shipping. The hon. and learned Gentleman said we were able to protect it during the great war of the first French Empire. But had he ever considered the vast change which had taken place since then? In the last year of that war the total amount of our imports and exports together was £60,000,000 sterling, while their value in 1860-1 was close upon £300,000,000 sterling. Our shipping at that time amounted to about 1,000,000 tons, while now it was close on 5,000,000 tons, of which 500,000 tons was steam-shipping—a description of ship then totally unknown. Did any one suppose that it would be possible to maintain a fleet capable of efficiently guarding such a mercantile navy as this? Again, the character and course of our commerce was entirely changed. We had entered into great relations with other countries, and had steam-ships constantly crossing the ocean at a speed which would enable them to distance almost any of the ships in the navy sent to convoy them. There were

mail steamers daily leaving our ports for distant parts of the world. These must continue, or we should come to a standstill, because now we depended so much for everything we wanted upon foreign nations. Take the articles of corn, cotton, and sugar alone. The value of those three articles imported every year into this country was not less than £75,000,000 sterling, a sum which was a great deal more than the value of the whole imports and exports in 1814. Again, looking at the account of British and foreign vessels entered inwards and outwards at the ports of this country, they amounted, including the coasting trade, to no less than 55,000,000 tons annually. That was a state of things entirely different to what prevailed in 1814, the period to which the hon. and learned Gentleman referred. Then it was said that this was a shipowners' question—a mere commercial question. If hon. Members could show that the loss of the shipowners would be for the benefit of the community, then he would agree with them that this was a shipowners' question rather than one affecting the people generally. But upon whom did our operatives and mechanics depend, except upon our merchants and traders? and it was a question, therefore, in which every person in this country had a deep interest. Take it even upon the narrow ground of increased price to the consumer. Freights upon bulky articles, such as corn and cotton and sugar, would be enhanced threefold, and every article would be increased in cost to a greater or less extent. Or look at it on the ground of pecuniary loss by the maintenance of the right of burning, plundering, and destroying our enemy's property; but we had more property afloat to be burnt, plundered, and destroyed than any other nation, so that we should be sure to be far the largest sufferers. He had not intended to occupy the time of the House so long, but as his hon. Friend near him (Mr. Cobden) had been unable, just then, to take part in the debate, he had ventured to make these observations to the House. He trusted that if the House should not be prepared to affirm at present that all private property ought to be respected in time of war, it would at least declare our international law to be in an unsatisfactory state, and that the subject required the grave consideration of Her Majesty's Government.

THE LORD ADVOCATE said, he would address himself rather to the practical

*Mr. Lindsay*

grounds upon which the Resolution had been supported than to the terms in which it was expressed. Those terms had been already adverted to, and they certainly were sufficiently vague. The House was called upon to say that "the present state of international maritime law, as affecting the rights of belligerents and neutrals, is ill-defined and unsatisfactory;" but the Resolution did not state in what respect the law was ill-defined, or in what respect it was unsatisfactory, nor did it give any indication in what way a better definition or a more satisfactory state of the law might be brought about. He was bound to admit, on the other hand, that the same objection could not be urged against the views advanced in support of the Resolution. Those views might be summed up as follows:—That it was contrary alike to the rules of legitimate warfare and to the interests of this country that private property belonging to the citizens of a belligerent country at war with us should be liable to capture when found at sea under the belligerent flag. He did not know whether the Resolution as it was worded did not go even further, and was not intended to apply, not only to the capture of property carried under a belligerent flag, but also to the case of blockade. Certain it was that the principles advanced by the supporters of the Resolution would necessarily lead to the abolition of the right of blockade. The question was thus one of great importance, and it had been argued upon two grounds—first, on the ground of the rules of legitimate warfare; and, secondly, on the ground of self-interest. It was not easy to distinguish between the comparative influence of those two grounds, or to say whether tenderness for our belligerent enemy, or jealousy for a possible neutral friend, were the stronger motive in this debate. He thought, indeed, that a good deal of the debate had rather been a remonstrance against the principles of the Declaration of Paris, intended to show to what extravagant or at least to what wide results it must lead, than a serious exposition of reasons why the Government should adopt the principle upon which the Resolution was based. But, however that might be, there could be no question of the importance of the matters involved in the discussion. He would even take leave to suggest that perhaps the matters raised were somewhat too important to be discussed, or at least decided, with any benefit to the



country in that House. There were some questions which might be too much debated, especially when they affected our relations with other countries, or he might say with the whole civilized world, when their solution did not rest entirely in our own hands, and when their discussion could have no practical effect until some undesirable and unforeseen contingency—some crisis of the country—should arise. He was far from saying that we ought to go back upon the humane course which civilized nations had been following for many years in actual warfare; nor did he mean to contend that it was either right or necessary to do everything that was lawful according to the rules of legitimate war; but he greatly doubted whether upon the question before the House, which affected the relations of belligerents, it was desirable under existing circumstances to attempt to lay down any abstract rules. For Secretaries of State, Judges of Prize Courts, and writers upon international law, it might be right and proper, even necessary, to deal with abstract principles; but it was impossible for that House to discuss such questions without each speaker realizing to himself the circumstances under which he contemplated that the principles contended for would come into practical operation. We know from experience how the revolutions of time and chance delight to falsify all anticipations of that kind, and how nations and men were often compelled to retract under the pressure and the pain of actual struggle the vows which they had made in peace. Therefore he should suggest that the real way to mitigate the horrors of war was not to lay down abstract principles which, as he had said, time might falsify; but when war did happen, for the executive Government of the country—the country itself—the Legislature of the country if they would—to look to the actual state of the facts, and be guided thereby. Let him take an instance. There could be no doubt as to the right of a belligerent Power to bombard a city, though it might contain many innocent inhabitants, and though the military force there was comparatively small. During the Russian war we did not bombard Odessa. We might have done so according to the rules of war. Some thought we should have done so; but we allowed the dictates of humanity to prevail. But should we ever dream of undertaking by a Resolution of this House or laying down by treaty that we should never bom-

bard a city, whatever the exigencies of the war or the necessities of the campaign? It was not in that way that the horrors of war were to be mitigated. The hon. Member who had just spoken (Mr. Lindsay) had called their attention to the inevitable results of war on commerce; but these only showed how great an evil war was; it did not lead them nearer to a solution of the case with which they had to deal. It was impossible to say that the interests of this country lay in the direction of this Resolution. Our interests lay in the contrary direction. He believed it would compromise them in the deepest manner, and strike what might be a fatal blow to them if that Resolution were sanctioned. It was impossible that the principle on which this Resolution was based could derive any strength from the Declaration of Paris of 1856, although he had no doubt it arose out of that Declaration. That Declaration came from a Congress composed of the larger States of Europe to settle, as the Declaration bears, "disputed questions." The first disputed question related to the rights of neutrals as regarded belligerents. Now, the disputes which prevailed on this subject were well known. There had been such disputes as long as there had been such a thing as international law. According to the law of England a neutral shipping his goods on board of an enemy's vessel was not liable to have them captured by the enemy; on the contrary, if the vessel were captured, the goods had to be restored. On the other hand, enemy's goods under a neutral flag were liable to capture. France, and he believed most of the continental nations, held the doctrine that free ships made free goods, and enemy's ships made enemy's goods; so they captured the goods that were under the enemy's flag, allowing the goods that were under the neutral flag entirely to escape. Thus, the rules acted on by the two nations of France and England were antagonist, and the Congress of Paris took up those two questions. The Armed Neutrality of 1780 adopted the principle of "free ships free goods" without adopting the counterpart as to enemy's goods. But, as an illustration of the danger of laying down abstract resolutions and how often they recoil on those who pass them, there was not one of the parties to that Armed Neutrality of 1780 who, when they came to be belligerents, did not entirely turn round and adopt precisely the opposite

principle. At the date of the Declaration of Paris it was very desirable to settle these matters. He saw plainly the effect which necessarily must arise from allowing the neutral flag to cover the cargo, whatever it might be. No doubt, it would attract the carrying trade to the neutral in the event of war; that was obvious on the face of it. But in considering this question, it should be remembered that neutrals had very strong rights in equity, and that possibly they had not hitherto had so much consideration as they were entitled to, because neutrals had generally been the weaker, and belligerents the stronger. Things were now, however, very much changed—with the great extension of commerce there was increased danger of complication attending the right of search; and nothing was more likely to bring about a bad understanding with a really faithful ally than the doctrine of taking enemy's goods out of neutral vessels. This country had great interest in having that possibility of misunderstanding removed, and he did not think that the danger incurred was compensated for by the advantage which might result from the exercise of the right. The Declaration of Paris accordingly abandoned the right of search over neutral vessels altogether, excepting for contraband of war, and he thought it did wisely. Then, again, as to privateering, that stood completely apart from the real object of this Resolution. Privateering was a relic, no doubt, of the old buccaneering times. He said nothing of its propriety or impropriety, but the objections to private war on the sea stood entirely apart from the other argument addressed to the House in support of this Resolution. It was quite consistent to say we should treat all privateers as pirates, and yet maintain the right of making prize of the commerce of an enemy. It was quite clear, then, that the Declaration of Paris did not throw any light upon the argument or on the Resolution before the House. Throwing that aside, what was the principle contended for? It was said that private property ought to be free from capture, and an observation of his noble Friend at Liverpool had been referred to as an authority for this assertion. But what his noble Friend said was, wars very seldom terminated by merely the violation or injury done to private interests: it was by the collision of great armies and great fleets. But what was the colli-

sion of great armies and great fleets, if the right of destroying commerce did not remain behind? The hon. Gentleman spoke as if it was no principle of war that private rights should suffer at the hands of the adverse belligerent. But that was the true principle of war. If war was not to be defined—as it very nearly might be—as a denial of the rights of private property to the enemy, that denial was certainly one of the essential ingredients in it. If we could only arrange that private property should be safe, we should soon arrive at the time which some hon. Gentlemen think is approaching, when we might put down our fleets, dismiss our armies, and disband our Volunteers. For no foreign foe could put his foot on our shores without an invasion of private property. Therefore we might as well go back to the ancient arbitrament of single combat, in order to settle our differences, as say that we kept up our fleets to fight with fleets, and our armies to fight with armies; and that after they had destroyed each other the war must come to an end, and the subjects of each belligerent be as comfortable as before. The fact was that the legitimate object of war was a just peace, and its true justification was self-defence; and therefore whatever was materially conducive to self-defence, or to the attainment of a just peace, was generally permissible. Of course, there were exceptions to that rule—exceptions well founded in the feelings of natural humanity to which all the world subscribed. We found our foe flying on the field of battle, as for example at Inkermann; and although probably every round of cannon carried death to hundreds, yet the dictates of humanity did not overcome the principle of self-defence, and the fact that he was retreating did not protect the enemy from the carnage which ensued. On the other hand, when we found our foe lying wounded on the battle-field; self-defence yielded to humanity, and we took that foe prisoner, cherished him, and endeavoured to cure his wounds. The principle was that where the advantage to be gained was unreasonably disproportionate to the injury inflicted, it was not sanctioned by a just self-defence, and the injury, therefore, ought not to be inflicted. To have to engage in cold and speculative arguments on a matter so fraught with the lives and sufferings of their fellow creatures was almost enough to make one shudder; but they must take care lest,



by giving way to an amiable but superficial sentiment, they should sacrifice the true interests of humanity after all. War was a stern and awful thing at any time, and if it was to be waged at all, it ought to be short; but then, in order to make it short, it must be sharp. It was said that private property was sacred in land warfare. No assertion could be more contrary to principle or more at variance with constant and inveterate practice. The abstract rule was that we were entitled in war to take an enemy's property wherever we found it. Before a war commenced we might begin with putting an embargo on the property within our territory belonging not to an actual but even to an expected enemy. Then we had reprisals, which signified nothing but this—that in return for an injury done to some persons belonging to our country we would do a similar injury to some person belonging to our enemy's country. Next we perhaps sent an invading army against our adversary; and the very first step it took on his soil was an immediate violation of private property, the extent to which that violation was afterwards carried depending on the exigencies of war. Trees were cut down, *châteaux* occupied, growing crops destroyed. If our army was well officered, its provisions in ordinary circumstances were paid for, but they might be seized as well. Perhaps it laid siege to a town, in which case it began by preventing all communication with the place. It cut down the lines of railway; it stopped the creditor from entering to receive his debt; it refused to allow the honest burgher, having nothing to do with the hostilities, to come out on his trading avocations. The besieger's artillery played on the city as well as on the citadel, and perhaps as much private property was destroyed by it in one day as might be captured during the whole year at sea. If the invading force had to retreat, it took the cattle and swept away with it all the provisions it could find, that its enemy might not be able to pursue with vigour or effect. All that showed that private rights were not respected on land where the public interest required them to be interfered with. It was said that private debts were not confiscated by the breaking out of war. That was true, and it told powerfully in favour of his argument. The reason why private debts belonging to an alien enemy were not confiscated was, that the alien had, upon the faith of our laws, placed

his property in our hands in time of peace, and it would be perfidious and treacherous in us to confiscate it on the outbreak of war. Therefore time was given him to withdraw his vessels from our harbours and collect his money from his debtors before the hostilities commenced. But all commerce with the enemy ceased in war—all commerce on land was intercepted and forbidden while it lasted, and an alien enemy could not appear in our courts to recover his debts while the war continued. All this showed the principle to be, that private as well as public property was liable to be violated and interfered with for the purposes of war, and that no restriction exists except when such violation is not conducive to the general interests. It was a mistake to suppose that merchandise was captured at sea for the purposes of plunder. The adjudication of prize was a mere incident to and consequence of the capture. The rules of war entitled us to destroy our enemy's commerce, and the justification was that by the destruction of his commerce, the enemy was necessarily weakened, and therefore was more likely to be compelled to make a speedy peace. That was the origin of our right to capture his merchant vessels. Were we to give up that right? And if we gave it up, could we then maintain the right of blockade? He thought not, because a blockade was an infinitely stronger interference with private interests and private property than the right of capture by sea, and therefore was more likely to subvert the interests of humanity, by making it the enemy's interest to come to terms. Were we, then, to throw away our naval preponderance, and in future to wage war on the same footing as if we had no navy at all? For what reason were we to abandon our immense power? Was it for the sake of humanity? He believed that the interests of humanity would greatly suffer from such a course. If we were not to conduct our wars by sea, we should have to double our standing army, and be reduced to the necessity of hiring mercenaries to fight our battles for us. In the long run that would impoverish the country more than ever the maintenance of her fleets could do; while, on the other hand, she would fall into a chronic state of war, and having her strongest arm tied behind her back would no longer be able to uphold her rights against all the world. Our naval supremacy would be lost, because there would be no great com-

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mercial interest afloat to preserve and defend, and we should no longer be able to maintain our position as we did at present. But was it the fact that our self-interest lay in that direction? Hon. Gentlemen spoke as though England was always a belligerent, and other nations always neutral, and that, therefore, we had made the law to suit ourselves. But let us consider the case of our being neutrals and other nations belligerents. In the case of France and America being at war, and England remaining neutral, was it not clear that all the advantage enjoyed by America in the one case would be enjoyed by England in the other? The right of capturing or of interrupting the commerce of an enemy was a right of great advantage to the strongest. The question of its advantage to this country was not at all affected by the fact that our commercial marine was larger than that of any other nation. It was very possible that a larger number of our merchant ships might be captured than were taken from the enemy; but the question did not depend upon that—the real effect to the nation must be the amount of force we could bring against the enemy's rule. It was clear to his mind that this rule must necessarily be in our favour as long as we maintained a predominance upon the seas. He regretted that the contrary principle should be suggested in that House, and he should be still more sorry if it were affirmed—for principles affirmed in that House did not pass for nothing in Europe. It was a question to be approached—even for discussion alone—with great caution. It was not desirable to impress upon the public mind of Europe a belief that whatever the Government might do, the people of this country had arrived at the conclusion that the capture of property at sea was no longer lawful; for if it were once assumed that such was the mind of the nation, we might depend on it that the offer thereby implied would be accepted at the time most convenient for other nations and of course most inconvenient for us. He did not doubt that the motives of those who brought forward this question were most excellent. No one could be insensible to the grievous amount of loss and injury that must be sustained by our great commercial community in the event of war; but he maintained that the best way to make war so as to consult the interests of humanity, and to make it as little burdensome as possible

to the belligerents, was to make it short and sharp. We should be slow to enter upon war; but when the combat was determined upon, the antagonists on the ground, and swords crossed, it was too late for consideration of humanity. The combatant should then exert his utmost power and skill. To do otherwise, if his own life only were at stake, were weakness; if he have others to defend, it were also treachery.

SIR STAFFORD NORTHCOTE said, that he agreed in the practical conclusion to which the learned Lord who had just addressed the House wished to lead them with regard to the Motion before them. He considered that the adoption of the Resolution proposed by the Mover would lead to very undesirable and embarrassing results, and he therefore earnestly hoped that the hon. Member (Mr. Horsfall) would not press it to a division. But he confessed he should have been able to come to this conclusion with greater satisfaction, and would have been better content to leave this important question in the hands of the Government, if he could think the Government knew its own mind on the matter, and if the views of the learned Lord Advocate had been expressed in a somewhat different manner. He thought the learned Lord had entirely failed to grapple with the real question at issue, and it was with the greatest regret that he had heard some of the doctrines incidentally laid down by the learned Lord. He was, for instance, astonished to hear the learned Lord, who was a Member of the Government which adopted the Declaration of Paris, objecting to lay down abstract principles with regard to what should be done in time of war. Why, what was the Declaration of Paris itself?

THE LORD ADVOCATE explained, that he did not object to abstract principles being laid down in negotiations between various Powers, but to abstract Resolutions being adopted in that House.

SIR STAFFORD NORTHCOTE said, then he did not understand what the learned Lord meant when he said that these matters should be left to be settled by the decision of courts of law as they arose. But still further, there were points in the learned Lord's argument which seemed directly against the principle of entering into such declarations. For instance, the learned Lord reversed a line of Milton's about "retracting in times of ease vows made in pain." He (Sir Stafford North-



cote) could not conceive more objectionable language from a Minister, after he and his Government had entered into an agreement with several nations, than language addressed to the House of Commons of this kind, "Remember vows made in peace will be very likely retracted in war." Then there was the language of the learned Lord with regard to public debts; and although it was rather ambiguous, still, if it were to be construed in accordance with the natural sense of the words, it appeared to him calculated to shake the credit of the country, and likely to lead people to suppose that the law officers of the Crown considered the Government would have a right to confiscate debts due by this country in time of war. If there was one point in which international law had achieved greater triumphs than another, it was in respect to the security in time of war of debts contracted by the public of one country with the public of another. This principle had been enforced by England in the last century, when we made a claim on Prussia that she should satisfy the just demands of her creditors in this country in respect of the Silesian debt. So also recently the principle was confirmed by the conduct of both parties to the Russian war, when the claims of the English and Russian creditors were respected by each Power. He therefore protested against such doctrines being laid down in so loose and general a manner.

THE LORD ADVOCATE said, the hon. Baronet was mistaken, and denied that he had expressed any such sentiments. So far from saying that it was lawful to confiscate the debts due to an alien enemy, he had referred to the universal practice in time of war, which was directly opposed to the confiscation of debts.

SIR STAFFORD NORTHCOTE said, he would not dispute the matter as to the fact, but such was certainly the impression the remarks of the learned Lord had made upon him. He rejoiced, however, that his misapprehension had elicited a distinct disavowal of so objectionable a doctrine. He would now, however, ask the House whether this question which they were discussing had been considered in its most important light. It had been spoken of as a question of humanity—as a question affecting the commerce of this country. But the root of the question was, how would it affect our maritime power—the strength of our navy in time of war.

The foundation of our naval power was the commercial marine of this country. When this question was spoken of as a mere shipowners' question, let the House bear in mind that the shipping interest of this country was the foundation of our naval supremacy. We stood upon a different footing to other nations—we had no "*inscription maritime*" like France. We had only our commercial marine and our naval reserve to rely upon in time of war. It always had been so. Even in old times, when the navy was manned by the aid of impressment, the number of men serving in the commercial marine and the number serving in the navy had risen and fallen together, and how much more was the connection between the two services increased now that the system of impressment had been given up, and the navy made to depend upon the reserve of the merchant service. He would appeal to the noble Lord the Secretary of the Admiralty to show what the shipowners of this country had done within the last few months, when there was an apprehension of war. The noble Lord, speaking of the *Trent* affair, told his constituents that "all the shipping companies came to offer their vessels to the Admiralty. They asked for nothing, they stipulated for no price. They merely said, 'Here are our steamers, take what you like, and pay us what you like.'" That was the conduct of the shipping interest. Therefore, he was sorry to hear the language that had been held out of doors, charging the shipping interest with selfish views, in endeavouring to find a mode of escaping from a difficulty which, it must always be remembered, was caused by the action of the Government; for it was not a question of the particular proposition now before the House, but of what had been the effect of the alterations in the system of maritime law produced by the Declaration of Paris. Should they be told that it was intended to depart from those engagements; to throw them over in time of war when they were found to be inconvenient; or was it intended to adhere to them? If they were adhered to, how would they affect our mercantile navy? That was the real question to be considered. The connection between the navy and the mercantile marine was patent to all; now let the House consider how the mercantile marine depended upon the trade of the country. He doubted whether the amount of our warehousing trade, and the extent to which our carrying trade would

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be endangered by the new regulations in the event of war, had been sufficiently considered. The experience of other countries was not to be forgotten. The Dutch were once the carriers of Europe; but their power and trade had been destroyed by circumstances very analogous to those in which we were placed by the Declaration of Paris. We were, however, confident that no such fate would overtake ourselves. The phenomena of the last war had been referred to, and it was said, "We were able then to overcome and put down all the fleets opposed to us." True; but what were the circumstances of the last war? The principle then acted upon by Great Britain was to seize the cargoes and cripple the trade of her enemy wherever she could find it. That was a principle which was now abandoned. But that was not all. We must remember the blunders of our enemy. Napoleon, by his Berlin Decree and Milan Decree, actually played into the hands of England; for those Decrees and the Orders in Council had one and the same object—to put an end to the trade of neutrals; and they effected that object. But England would not be able to put down neutrals now under the Declaration of Paris. The whole circumstances of the carrying trade were now altered. In the first place, many close trades which then existed were now thrown open. Our colonial trade, for example, had been thrown open to all the world. Commerce always sought the safest ships, and English vessels were then the safest, because neutral vessels were threatened by both belligerents. But neutral, and not English vessels, would now be the safest in the event of war, and the effect of war would infallibly be to throw out of employment a large amount of British shipping. These vessels would not, as some had thought, rot in our ports, but would be bought up and pass over to other nations, and English capital would be transferred with these ships to the Danes, Norwegians, &c. When our commercial marine was gone, to what was England to look for the support of her naval power? Where was she to get her men, and where her transports in time of war? What would be the result, from the changes made in maritime international law by the Declaration of Paris in 1856, of a war with France? And it should be remembered that with France, above all other countries, we should be in most danger of a serious and vital war.

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It was not war we might carry on with any petty country that would cause us uneasiness; and any war with the United States would affect our colonies and commerce, but not our own shores. All we had to dread was a war with France, because that might affect our very existence as a nation. In the event, then, of such a war, what would be its effect on the commerce of either country? Both countries would have to give up the use of their mercantile marine, and to have recourse to neutral vessels. What would be the effect of that in France? It would do her absolutely no harm. She had a comparatively limited commerce—she could easily find vessels to carry it; and her *inscription maritime* would easily supply her with the requisite number of men for her navy. But the effect on England would be ruinous, because she would have such an enormous amount of commerce thrown out of employment, and such an enormous number of ships passed over to neutral nations, and it would not be in her power to supply the want of men consequent thereon without reducing herself to the greatest emergencies and distress. Now, he wished to know what Her Majesty's Government intended to do? Were they of opinion that we could safely rest where we were? What object had they in making the arrangements of 1856? The House was told by the learned Lord Advocate that those arrangements were made to settle disputed points of maritime law. He (Sir S. Northcote) wished to know in what manner they had settled disputed points. They were told that the disputed point about the right of the neutral flag to cover enemy's goods was now settled. That was a point in dispute between us and a great many nations; but the nation of all others with which it was important to settle that disputed point was the United States. Had it been settled with the United States or not? The learned Lord Advocate had told them that the question of privateering stood altogether apart from the object of the Resolution. But that was not the case, because the United States had placed England in this position—they had refused to consider the two questions of privateering and the right of neutral flags to cover enemy's goods together, and had therefore refused to agree to the Declaration of Paris. The United States, looking at the question of privateering, from their own point of view,



held that if they gave up the right of privateering, they would deprive themselves of their most useful weapon of defence. They had no cruisers; all they had to depend upon was their privateer force. It was like asking a country which had but a small standing army, and which depended mainly upon its Volunteers, to give up its Volunteer force and agree that all its battles should be fought by its regular army only. Beyond that, the United States argued, how could they be asked to give up privateering for the purpose of settling all disputes, when the difficulty of distinguishing between what was and what was not a privateer was so generally acknowledged that that alone would give rise to innumerable disputes? Therefore it was evident that Her Majesty's Government had rashly concluded certain arrangements with France and other Powers, while the Power with whom it was most important those arrangements should be made stood quite aloof from them. In the event of a war with France, that country would be perfectly safe under these arrangements. The navy of France would gain, because there would be no necessity for allowing so many of her seamen to be carried off by the merchant service. Her commerce would be carried on in American and not in English bottoms. America would say, "You cannot touch us, because, though we are not parties to the treaty, you are bound by your treaty with France;" for surely the House would not be told that the treaty could be set aside? Upon this point he wished the noble Lord at the head of Her Majesty's Government would tell the House distinctly whether he adopted the doctrine that the treaty would be set aside as between the nations going to war. Supposing we were to go to war with France, would the treaty be put an end to as regarded France? If not, would our navy be at liberty to seize French goods in American bottoms, America not being a party to the treaty? If such were the case, he apprehended that the greatest inconvenience and dangers would arise from the Declaration of Paris. That arrangement, for example, would probably bring us into difficulties with the United States, and we might have a war with America on our hands, while a war with France was quite a sufficient strain upon our resources. The policy of the United States was not to interfere in European disputes; but this would necessitate such an interference; and bring ourselves into

serious difficulties. Again, if at war with the United States, were we to hold that French vessels carrying American goods might be seized because we had no treaty with the United States? It was necessary there should be a clear understanding with the Government as to whether they had considered these matters, and what course they intended to pursue with regard to them. The House had a right to such an explanation, because at the time that the treaty was made, and for some time afterwards, every indication on the part of the Government led to the conclusion that it was their intention to give a very full development to the principle of the treaty, and to go even beyond the proposal of the hon. Member for Liverpool (Mr. Horsfall). Every hon. Member would recollect the speech made by the noble Lord at the head of Her Majesty's Government at Liverpool in November, 1856. Let the House consider the circumstances under which that speech was delivered. Some months before that time the Government had received a letter from Mr. Marcy, containing the proposal of the American Government, that in order to enable them to get rid of privateering, the right to capture private property at sea should be put an end to. While the Government were still deliberating on that proposal, the noble Lord made his speech at Liverpool. The language of the noble Lord was not loose language, which might mean something or nothing, but it was language used by him at the moment when he and his Government must have been considering that very proposal seriously, and with the utmost deliberation, for it was a proposal of the most serious character. The noble Lord said—

"I cannot help hoping that these relaxations of former doctrines, established in the beginning of the war, practised during its continuance, and ratified by further engagements, may be still further extended; and that in the course of time the same rules of war which now apply to hostilities by land may be extended to hostilities by sea, and that private property may be respected on either side."

He thought it impossible to accept the principles thus laid down by the noble Lord, without considering and deciding a great many other questions; and he wished to know whether such was the view of Her Majesty's Government at the present moment. The noble Lord told the House the other night that the adoption of the principles contained in the Motion of the hon. Member for Liverpool would be an

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act of political suicide. If that were so, the Government should remember that, to judge from the language of the noble Lord at Liverpool in November, they had then been on the point of committing such an act themselves. But what were we to do now? Were we to go forward, backward, or in what direction? Was the noble Lord prepared to leave the matter to the chapter of accidents, or to say that when war came was the time when the whole question was to be determined? It would not be for the honour of this country to say that we were looking forward to the time when we might be able to violate a treaty which we had made on this subject. And yet such was the language held by a Minister of the Crown on this question of war and the violation of treaties. They all knew that there were stipulations and treaties which war immediately put an end to; but were all treaties made even in contemplation of war to be set aside? If so, they were going back to a state of barbarism. He always understood that the meaning of international law was, that war was to be carried on upon principles laid down in a time of calm. What was the meaning of many articles contained in treaties, if treaties were dissolved by war? Take a very common case, and one which would be found provided for in many treaties to which this country was a party. In case of war breaking out, a certain time was to be given to the subjects of a belligerent Power to quit the territories of the other belligerent. Was that a stipulation which war put an end to? Again, with regard to a treaty stipulating that public debts should remain payable in time of war, was that also done away with when war broke out? He would quote the following passage from Chancellor Kent's *Commentaries*. He says—

"As a general rule, the obligations of treaties are dissipated by hostilities; but if a treaty contains any stipulations which contemplate a state of future war and make provision for such an exigency, those stipulations preserve their force and obligation when the rupture takes place. The obligation of keeping faith is so far from ceasing in time of war, that its efficacy becomes increased, from the increased necessity for it."

And he goes on to cite the instance of the exchange of prisoners of war. Now, this was a matter which ought to be cleared up, whereas it was now left in studied vagueness. The most opposite opinions were entertained on this subject, some persons being anxious to go forward and

others to go back. The latter, he ventured to say, were lapping themselves in a fool's paradise, for they thought it the simplest thing in the world to get rid of those treaties. It was idle to suppose that treaties could be got rid of when war broke out; and he should like to know whether the Government had considered the question from this point of view. There was another point on which great confusion existed. A good deal had been said about the analogy of warlike operations on land and sea, and they had been told that there was no protection for private property on land. No one pretended there was perfect protection; but was there no difference between the principles upon which private property was dealt with on land and sea? If the hon. and learned Member for Cambridge (Mr. Macaulay) were now in the House, he would be astonished to find the Government thus abandoning the distinction upon which they had rested their opposition to the Danish claims. In the case of the Danish claims certain property of ours was confiscated by the Danish Government in consequence of our attack on Copenhagen. In return we confiscated certain property of Danes. Our subjects who had lost property called on us to reimburse them their losses out of the Danish property we had seized. We admitted some of the claims and rejected others. Why did we do so? Last year the Attorney General, the highest legal authority of the Government, and the Chancellor of the Exchequer, said, "We admit that the claimants of property confiscated on land are entitled to have their losses made good; but there is a great distinction to be drawn between property taken on land and property taken at sea; property taken on land ought to be restored, but property taken on ships afloat ought not to be restored." Quoting Sir James Mackintosh, the Chancellor of the Exchequer said maritime plunder was not in its nature so injurious as plunder on land, and that in all European States the distinction was drawn between seizure on land and seizure at sea. The Attorney General held the same language. But, in the present case, when pressed by arguments they could not meet, they proceeded upon an entirely false assumption, and tried to make us believe that private property was no more exempt from seizure on land than it was at sea. What did the Secretary of War tell them the other night? The parallel he attempted to set up between

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the Duke of Wellington's allowing troops to pull down houses in the Peninsula to obtain fuel and the case now put forward, could not for a moment be sustained. No one went to the length of saying, that if a war-steamer in want of coals saw an enemy's collier passing by, she would not be justified in taking her coals. In point of fact, she would take them out of an enemy's or even out of a neutral vessel, for under such circumstances she had and would exercise the right of pre-emption. That was the case which really corresponded to the Duke of Wellington's proceedings. The question now raised was, not how to supply the means of an army in the field, but whether you would give to your army that same right of legalized plunder as you gave to the captains of ships. The Duke of Wellington did not allow his troops to pillage whole villages, and get the property adjudged to them in Prize Courts. On the contrary, he took measures to prevent pillage, and severely punished any regiments who were found committing depredations. The learned Lord Advocate had told them that they ought not to put an end to maritime plundering, because it was the most effectual way of bringing the enemy to terms; and the object being to make war short, sharp, and decisive, they ought to put the greatest amount of pressure on their adversary. But how far was that reconcilable with the principle of the difference between plunder by land and by sea? If they wanted to put the greatest amount of pressure on their adversary by plundering him, why did they not plunder him by land as well as by sea? But that was not what they wanted. What they wanted was not to lop off a limb here and there, but to strike at the heart of the enemy, and that surely could be done better by plundering his territory. The common sense of mankind rejected the right of plundering by land, and the argument which was used on the ground of crippling the enemy by plundering on sea would, he ventured to say, entirely break down. He had referred to the dictum of Sir James Mackintosh. Could anything be more absurd than to justify maritime plunder by saying that it was less injurious than plunder by land, and yet to maintain that it was more efficacious in crippling your enemy? He had seen in books of international law a better reason for maritime plunder than that given by Sir James Mac-

kintosh, and it was that plunder by sea was more out of sight and caused less indignation than plunder on land. There was some truth in that. But now that commerce had developed to such an enormous extent, that it was so much more a matter in which all nations had a joint interest, they could hardly attack it without raising a storm of indignation all over the world. Some years ago nations had their commerce very much to themselves, and the commerce of a country with its colonies might be attacked without inflicting great injury on the rest of the world; but now that restrictions had been removed, that partitions had been broken down, if they attacked the commerce of one country, they would bring upon them the desire of retaliation on the part of nearly the whole world. They had heard a good deal of the comparative advantages and disadvantages of the proposed course to England, and the whole matter depended on that consideration. Now, he did not ignore the humanitarian argument, as it was called—the argument that the great interests of humanity ought not to be lost sight of; but, speaking in that House and as an Englishman, he maintained that we ought to consider the interests of our own country; that we had to look, in the first instance, to the bearing of the question on the naval strength of England; and secondly, to its bearing upon our financial power. In 1855 the present Secretary for War, then Chancellor of the Exchequer (Sir George Lewis), called attention to the advantages that had resulted to us in the Russian war from the adoption of the rule of not molesting neutral commerce, and in opening his budget he said that the observance of the rule had been highly beneficial to our financial position. Two things were needed to carry this country through a war, and they were a sound and flourishing state of the finances and a powerful navy; but both would be in danger if they adopted a rule by which a great amount of commerce would be disturbed and the shipping of the country imperilled. It was necessary to consider the nature of the British trade, and the risk to which it would be exposed. The question was not to be determined by balancing the tonnage of one country against the tonnage of another. It was a question of value. Almost all the valuable commerce was in our hands. The whole of the great commerce of India, the whole of the Australian trade,

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and part of the trade in silks, indigo, &c., was carried on by English vessels. We might capture a certain number of cotton ships or timber ships; but how would that compensate us for the loss of our steamers carrying some of the richest cargoes in the world? Now, let us take a lesson from history. What occurred in the Seven Years' War? In that war England distinguished herself most gloriously, and her navy was particularly successful. Smollett, writing of the war of 1760, related how this country had 120 ships of the line, exclusive of fire and other ships, and that notwithstanding this immense armament, and that the enemy had not a ship of the line at sea, yet the enemy were so on the alert with their small ships that they took 2,549 of our merchant ships as against our capture of 944 of their vessels, including 442 privateers. It was not, then, a question whether our navy was a great deal stronger than others. He had no doubt that it was stronger than the navy of any other country, and he believed stronger than that of all others that might come against us. If it were not, he knew he spoke the sentiments of the House when he said that it ought to be so. But, however overwhelming it might be, it would not be able to protect our trade, as was evident from such a case as that he had cited. Take the case of the contingency of a war with France—though he heartily trusted that no such contingency would arise; but if it should, what were the purposes for which we should require our navy? In the first place, we should want our navy for the means of defence, and to hermetically seal the Channel. We should want it to blockade the enemy's fleet, and prevent their getting out of Brest, or Toulon, or Cherbourg. We should want it to maintain our communications with our colonies, and carry succour to Gibraltar and Malta. That fleet ought not to be frittered away in the protection of our commerce, or in making prey of merchant vessels in all parts of the world. The case was now different from what it was in former wars; for in former wars the navy did the proper work of a navy, and privateers were sent out to do the work of snapping up the enemy's trade. But now an end was put to privateering, and he asked, ought the great navy of this country, maintained at an enormous expense, to be frittered away throughout the different parts of the world in protecting or making war upon mer-

chant vessels? He had heard it said that, when they gave up the system of crippling an enemy by destroying his commerce, the navy would be of no further use; but he desired to know what was the meaning of such an assertion? In the last Russian war was not the English navy of the highest use in carrying on operations for the reduction of Sebastopol, and in providing the army with necessary supplies? It was by our superiority in supplying and maintaining our army in the Crimea that we brought Russia to terms; and we owed that superiority to our naval power. It might be depended on that the navy would have plenty of occupation in case of war, if care were taken to give it only proper occupation, and not to waste its strength in employing it on other business, for which it was not suited. In these observations he had endeavoured to show that the Government had not met the case put forward by the hon. Member for Liverpool, or grappled with the proposition how the arrangements made in 1856 affected the maritime strength of this country. The next consideration was—if those arrangements had placed in jeopardy the basis on which the entire naval strength of the country rested, were they to be maintained or modified; and if modified, in what sense and how far? Was it possible to go back, or to go forward, or to stay where they were? He thought the House was under a debt of gratitude to the hon. Member for Liverpool for affording them an opportunity of reviewing the subject. He (Sir Stafford Northcote) regretted that the arrangements made in 1856 had not formed the subject of separate and full discussion in the House of Commons at the time they were effected. Able and valuable as was the argument which was conducted in the House of Lords, the question did not attract so much interest on the part of the people of this country as if it had been discussed in the House of Commons, which was the place where gentlemen connected with the commercial and shipping interests met face to face, and where the subject could have been fairly argued and brought to an issue. But it was never too late to attempt to repair a fault, and he hoped that the present Motion would be treated with calm deliberation, and not be allowed to be disposed of by the sweeping and summary condemnation which the Government had at present passed upon it. The House would, upon

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a question affecting the interests of our country for all time to come, feel the greatest hesitation in taking any step which could embarrass the Executive; but, at the same time, it was important to know whether we could trust that Executive, whose antecedents in this matter were not such as to create confidence; and their present language, contrasted with their former language, did anything but carry conviction as to their ability to deal satisfactorily with this subject. He admitted that the forward course proposed by the hon. Member for Liverpool was attended with great difficulties. There were difficulties connected with blockade, and with the question of contraband of war. He felt sure that the hon. Member for Liverpool did not wish to embarrass the Government in this matter, and would not press his Motion if the Government would pledge themselves to give it their attentive consideration, and act in a spirit different to that of which the noble Lord had given such summary intimation. If the Government would state that they would give the matter their anxious consideration, and make it the subject of negotiation and representation with other countries, he felt assured that his hon. Friend would not think himself under the painful necessity of dividing the House. The Resolution of his hon. Friend, though framed in a shape well suited for discussion, yet was not one on which a division could satisfactorily be taken. It set forth, it was true, that the state of our international law was indefinite, and, in spite of what had fallen from the Attorney General the other evening to the effect that the contrary was the case, he must so far express his concurrence in the proposition of his hon. Friend. He could not look on that state of things as definite or satisfactory, when he saw such doubts as to whether the most important maritime nation next to ourselves was or was not, bound by the second, the third, and the fourth Articles of that proposition which had been taken as binding on the other Powers of Europe. He for one could not think that position satisfactory which put in jeopardy the carrying trade of this country, the prosperity of our commercial marine, and through our commercial marine the very security and foundation on which our navy itself rested; and he must say, seeing how little attention, as apparently was the case, was paid to it by the Government, he thought it was

a proper and right thing that the Government should be called upon to pay attention to it. But the Resolution, as it stood was merely abstract, and he should hesitate to vote for such a Resolution—a mere vague Resolution, which might be adopted by persons holding the most opposite views of the matter; and he was not prepared to go entirely with many of the views he had heard expressed on the subject, and certainly was not prepared to adopt the views of his hon. Friend, without seeing how they could meet other questions that would necessarily be raised. He was anxious to take warning by the imprudence of the Government themselves, and he thought the advice of Ballie Nicol Jarvie, or rather that of his father, might be adopted by this country, “Never put your arm out further than you can draw it back again.” He thought that advice was very applicable to the present circumstances; and until the whole question was thoroughly sifted, he thought it was premature to come to any decision upon it. But while he asked his hon. Friend to withdraw the Motion, or not press it to a division, he, at the same time, would heartily join with him in pressing the matter on the Government, and in insisting that the country should not remain in ignorance of what had been done—that it should not remain in ignorance of where the responsibility lay; and that the country should not fail to know, that if it had been reduced to that condition of danger which had been termed the brink of political suicide, it was to the noble Lord and his colleagues that we were indebted for having brought us into that position.

MR. LEVESON GOWER said, that he felt at a loss as to what was the real view of the hon. Baronet, and what was the course which, at the end of his speech, he seemed to wish Her Majesty's Government to take. He looked upon the question at issue as one of the utmost importance, and holding, as he did, opinions which might by many be regarded as extravagant with regard to the inhumanity of war, he had no hesitation in saying that he felt great sympathy in any proposal brought forward with the view of mitigating its horrors. The more, however, he had considered the Resolution of the hon. Member for Liverpool, the more difficult did he think the question raised by him of solution. In dealing with it he could assure the right hon. Baronet who had just

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spoken, that he deemed the prosperity of the shippers' interest deserving of our best attention, for he knew how much the safety of the country depended upon our mercantile marine. We must, however, at the same time consider what would be likely to be the effect in a military point of view of the proposal which the hon. Member for Liverpool had made. Its operation, of course, would very much depend on the extent of the commercial transactions of the nation with which we happened to be at war, because in the case of the nation whose commerce bore but a small proportion to her power we could not suppose any injury inflicted on the commerce would so materially affect the issue of the war as would under other circumstances be the case. He might further observe, that although he was not one of those who looked upon his countrymen as in all respects superior to the inhabitants of other lands, yet he regarded them as to a remarkable degree disposed to be faithful to any engagements into which they might have entered, while he had not the same confidence in other countries. That being so, he feared that although certain declarations on the subject of international law might turn out prejudicial to us in their action, yet that having been parties to them we should feel called upon to abide by them; whereas other nations might, under similar circumstances, take a different course: so that we should be at a disadvantage, and would have no means of enforcing the observance of the engagement. For these reasons he should, if called upon to vote upon the Motion before the House, be obliged to oppose it; while he was anxious that the House should not be called upon to come to a division at all, but that the question involved should be left open for future deliberation. He might add that the argument that the proposal of the hon. Member for Liverpool did not bind its supporters to any definite issue, was one which did not tell with him in its favour, because he was one of those who objected to that which appeared to be the growing practice of framing Resolutions—or "irresolutions" as they had been pithily termed—in such a way as to attract the votes of the greatest number of Members. Better would it be, he thought, if in that respect the House were to adopt the principle carried out by lawyers in their pleadings, in which a definite issue was raised, so that the jury might know what it was

upon which they were called upon to decide.

MR. CAVE, as the representative of a mercantile port, begged to tender his hon. Friend the Member for Liverpool his acknowledgments for the ability with which he had brought this important question before the House, and to express his concurrence in the views he had so well explained. If he had felt any doubts as to the correctness of those views and the justice of the case, those doubts would have been removed by the replies of their opponents. They had in their speeches relied chiefly upon the *argumentum ad hominem*. They had endeavoured to cast ridicule upon the cause, by accusing them of spurious philanthropy in advocating what the noble Lord at the head of the Government was pleased then to call a suicidal policy. But the philanthropy, if spurious, owed its origin to the Conference of Paris—the policy, if suicidal, dated from that event. They complained, that in endeavouring to do what they were charged with doing, in endeavouring to mitigate the evils of war, their opponents had unwittingly and with the best intentions given rise to another evil of enormous magnitude. They said go forwards or go backwards. For the sake of humanity they would prefer the former course; but if that did not suit, they were ready to accept the latter; but they could not under any circumstances remain where they were. They showed a great practical grievance, no less than the possible ruin of the British mercantile marine. Their opponents did not say a word on that point; but raised a false issue, and endeavoured to conceal the real question in a cloud of words, and arguments which positively had very little bearing upon the subject. The right hon. Secretary at War went so far as to expend some time in criticising the language of the Resolution. Earnest men, with great interests at stake, were not so exact in their language as if they were writing a classical inscription; but it could not be pretended that the object of the Resolution was misunderstood. The Attorney General, indeed, seemed to have anticipated that the Liverpool merchant was going to break a lance with him on legal technicalities, but the whole country knew the object he had in view. The question was brought before the House a year ago. Chambers of Commerce, writers on international law, the press, had all been busy in discussing it on the very grounds advanced by his hon. Friend. To pass on



to the subject-matter. It had been urged that such a course as he advocated would deprive England of the advantage of her preponderating navy; but there could be no doubt that the law, as laid down by the Conference at Paris, would deprive her of the advantage of her equally preponderating mercantile marine. It had been well shown that the merchant ships of belligerents would be laid up or sold, and that the carrying trade of the world would be in the hands of the neutrals; therefore the nation with the greatest number of merchant vessels would suffer most, the wealth of the country would be *pro tanto* diminished, and a vast amount of the sinews of war lost just when most needed. Not only so; after a long war they might see, as many other nations had seen, with dismay—

—“more inconstant than the southern gale,  
Commerce on other shores display her sail.”

Trade might find new channels; and all mercantile men knew how difficult it was to tempt it back again to the paths it had once abandoned.

If, however, his hon. Friend's views were adopted, maritime war would be confined generally to two operations—engagements and blockade. In each of these the powerful navy of England would give her an immense advantage, and while the enemy's coasts were sealed, her merchant ships would carry on their usual avocations; and add to the wealth of the country more quickly, inasmuch as there would be no competition from those ports which her squadrons were watching. It was the fashion to say that the tactics of modern war would be to strike at the heart and neglect the extremities. If that were so, then his hon. Friend's plan would keep at home the numerous cruisers which now must be scattered on convoy duty (if any ships remained to be convoyed) over every sea liable to be cut off in detail by superior force, and it would specially relieve our colonies, whose affection for the mother country would not be increased by having their commercial marine destroyed in quarrels with which they might have no concern. The right hon. Secretary at War, indeed, said that no such compact would be observed. If that were so, *cadit questio*: but the same applied to the compact against privateering, which concerned neutrals no more than that did. If, then, that experiment were worth trying, there could be no good grounds for not extending it a little farther. It had been said that there was no difference now between the

practice of war on land and at sea; and instances of destruction of private property in land warfare had been given. No doubt these had occurred. If we read accounts of the retreat of the French through Spain or Russia, we should find precedents for every atrocity that ever disgraced human nature; but those were the separable accidents, not the essence or object of war. On the other hand, there were instances, as the hon. Baronet had observed, of compensation having been paid for the destruction of property on land. He (Mr. Cave) had been told that the proprietor of Hougoumont was no greater loser than the noble proprietor of Nottingham Castle by its conflagration. Then take narratives of war, either real or imaginary, did we not find the soldier regretting the unavoidable destruction of private property; the sailors glorying in it, and why? Because on land it was their duty to spare, and at sea their duty to capture and destroy. He remembered, however, reading (he thought in Basil Hall's reminiscences) of the reluctance he felt in bearing down in a fine frigate on a poor little merchantman, close at home, after a prosperous voyage, reducing the peaceful trader at once from competence to beggary. It was said, too, that some of the most merciless privateersmen had originally been honest traders, ruined in this manner, and thus embittered against the world. The Secretary of State told them that his hon. Friend's doctrine had never been admitted by diplomatists. Well, diplomatists had frequently shown very little consideration for commercial interests; but, in fact, the severity of practice had increased of late years. Before the revolutionary war the French and English were accustomed to spare each others fishing vessels, “from tenderness, as Lord Stowell said, to a poor and industrious order of people.” And as the loss of prize money had sometimes been mentioned as likely to impair the efficiency of the navy, it might be as well to notice that in Sir Robert Walpole's time the distribution of prize money was very different from what it now was, without any such result. We were told that it was intended for three purposes; 1. To assist the Crown in defraying the expense of the war. 2. To lighten taxes. 3. To afford reparation to injured merchants; and it was ruled in those days that “its allotment to the captors was unfair to the nation and unjust to suffering merchants.”

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It had been said, indeed, that commercial men gained by war, and therefore ought to suffer from it. They used to be told that agriculturists gained by war, but however that might be, it was not the commercial classes generally who would be the greatest sufferers, but one particular class, the shipowners, who certainly did not gain by war as a body, though a few individuals, of course, might make large profits by hiring ships at high rates to Government. But was it true that any amount of distress among the mercantile community would force a country to peace, was it not rather evident from history that the harder the heel of an enemy presses, the higher the spirit of the nation rises against it? Witness Spain, the Netherlands, and many others. Had the distress of a particular class much influence in inducing a people to alter its policy? The instance of the ruined West India proprietors once so powerful in this House and country, proved the contrary.

The Secretary at War, by way of *reductio ad absurdum*, instanced the possibility of enemy's vessels sailing into Portsmouth through our fleet. If they did, they would probably bring something which Portsmouth wanted; but this was a question of trading with enemies, which did not, as he understood it, come within the scope of his hon. Friend's Resolution. They did not (and in this particular, some of their opponents had misconceived their views), they did not desire that belligerents should trade together in war as in peace. That might be prevented by a blockade as it is now in the case of neutrals, or by excepting from protection enemy's vessels found within three miles of the coast, or in any way they pleased. This Resolution applied only to the high seas. They did not wish to prevent belligerents from injuring each other, but to prevent both belligerents or even possible belligerents being injured for the advantage of neutrals. They were accused of wishing to alter the established practice, but it was the conference of Paris which had made the innovation, of which they did but point out the mischievous tendency. He would not trespass longer on the patience of the House; but he would quote, in conclusion, the opinion of Vattel on the subject. Vattel said—

"All damage done to the enemy unnecessarily, every act of hostility which does not tend to pro-

cure victory and bring the war to a conclusion, is a licentiousness condemned by the law of nature."

He (Mr. Cave) believed that in this instance the dictum of the jurist coincided with the instinct of common sense and common humanity. He believed that the plunder of private property on the high seas did not tend to bring the war to a conclusion, and therefore he supported his hon. Friend in his attempt to put an end to it, and sooner or later he would succeed. He might be in a minority then, but let him remember that a minority did not always represent the reduced adherents of an exploded doctrine; it sometimes consisted of the advocates of one which had not yet taken firm hold of the public mind, but the justice and truth of which the whole nation would one day recognise.

SIR FRANCIS GOLDSMID said, he ventured to think he could bring under notice two or three points which had not yet been presented to the House. To the Motion itself the principal objection would probably be the inexpediency of adopting an abstract Resolution on a subject the House was not competent to deal with; but a much more practical sense had been given to it by the arguments of its supporters, whose object was to urge upon Ministers the expediency of communicating with foreign Powers for the purpose of bringing about the abolition of the right of maritime capture. The Declaration of Paris had been referred to; and it was argued by the supporters of the Resolution that it was impossible that the right of maritime capture could co-exist with the second article of that Declaration, under which a neutral flag protects the enemy's goods, without injuring the shipping and commerce of this country. The hon. Member for Liverpool said that was proved by experience, because, when there was an apprehension of war with France in 1859, certain merchants shipped their goods on inferior American bottoms at freights 50 per cent higher than those at which they could have been shipped on superior English vessels. Now, even if there had been no actual experience the other way, he (Sir Francis Goldsmid) would have suggested, that as there was no real foundation for the alarm of war, so there might have been no real foundation for the fear of injurious consequences to British commerce if war had unfortunately broken out, and that the facts were not sufficient to warrant the conclusion which had been



drawn from them. But there was actual experience the other way. The Declaration of Paris was adopted in 1856, at the conclusion of the Crimean War; but the principle of the neutral flag covering enemy's goods had been embodied in the Proclamation issued in March 1854, at the commencement of that war. This principle, therefore, and that of the maritime right of capture, the anticipation of the conjoint operation of which filled the hon. Member for Liverpool, and those on whose behalf he spoke, with such unmitigated alarm, had been in conjoint operation during the whole of the contest with Russia. Yet the ruinous effects predicted by those who supported this Resolution had not followed. So far from it, our trade, except with the enemy's country, was not interrupted; our ships traversed every sea undisturbed, and the commerce of the enemy was entirely banished from the ocean. This fact went far, therefore, to upset the theories of the mover and supporters of this Resolution. No doubt, the result to which he had referred arose from the undisputed superiority of our fleet and that of France our ally, but it showed practically the advantage which this Resolution called upon us to forego. Intelligent minds in other countries, with different and even contrary interests—minds which looked at our naval superiority and the benefits we derive from it with as much dislike as we regarded them with satisfaction—took the same view of the advantage which this right of maritime capture gave us. In proof of this he would refer to a despatch written by Mr. Marcy, in July 1856, by direction of President Pierce, to the French Minister at Washington, and giving the reasons of the American Government for declining to accede to the Declaration of Paris unless it were accompanied by what was now proposed—the abolition of the right of maritime capture. Mr. Marcy said, that if the use of privateering were abandoned while the right of capture at sea continued, the dominion of the seas would be surrendered to those foreign Powers which had adopted the policy, and had the means, of keeping up large navies. It was impossible to read that despatch without seeing, that if Mr. Marcy and Mr. Pierce, instead of being Secretary of State and President of the United States, had been Foreign Secretary and Prime Minister of England, they would have been just as determined as the noble Earl and the noble

Viscount not to advise the Crown to surrender the right of maritime capture. It was said that the Declaration of Paris was actually injurious to our commerce. But this objection would not bear a moment's examination, since the first article of the Declaration would exempt in war our merchant ships, and the goods they carry, from capture by privateers; and the second would exempt our goods carried in neutral bottoms from capture of any kind. The real objection to the Declaration of Paris was, that the second article sacrificed some portion of the advantages arising from our naval superiority, because, although it would certainly confer some benefit on our trade, it would confer greater benefit on the trade of weaker nations. Nothing could be more unfair than to ascribe to the supporters of the existing state of the law an indisposition to see the horrors of war mitigated. The horrors of war were not to be mitigated by passing a Resolution such as this. The expenditure of blood and treasure in the warlike operations themselves—the sufferings of brave soldiers and of the inhabitants of the invaded territory—the sorrow which in both the belligerent countries the loss of relatives carried into homes of every class, from the noble's mansion to the peasant's cottage—these were the evils which caused war to be regarded with dislike by a humane and considerate people; and in comparison with these it would regard as of little materiality the necessity of paying a somewhat higher rate of insurance on its merchant ships. Wars would best be prevented by a firm and at the same time a temperate policy on the part of the Government. If, notwithstanding such a policy, this country should be involved in a contest, the people, he believed, would patiently endure the hardships necessary in such a state of things; but he did not think that the Government ought to invite that conflict and to prolong those sacrifices, by unwisely surrendering that right of maritime capture which Mr. Marcy said, and said truly, conferred the most important advantages on the greatest of maritime Powers.

LORD HARRY VANE hoped that the hon. Member for Liverpool would not press his Resolution to a division, although he quite agreed with him that the present state of the law on this subject was unsatisfactory; but he believed that that had arisen out of the very nature of the subject. At various times, from the treaty

of Utrecht downwards, this country acceded to the principle that neutral ships should cover enemies' goods, and it was confirmed by the recent Declaration of Paris. He could not but think that Declaration was of a binding character, and he was astonished when he heard the Secretary for War throwing doubt upon it. We entered into that arrangement in the face of the world; and although it had not received formal ratification in the shape of a treaty, it would be unbecoming the character of the country if they threw doubt on the binding force of it now. It never could be contended for an instant, that because two nations, parties to a treaty, engaged in war, the stipulations they had contracted with other Powers were thereby to be violated. He took it for granted, therefore, that the Declaration of Paris would bind us in future; and the question that remained to be solved was, whether they would go a step further and adopt the substance of the proposition of the hon. Member for Liverpool, which was neither more nor less than that the private property of belligerents should be free from capture at sea. He doubted whether England would be a loser, as some hon. Gentlemen seemed to think, if she took a further step in advance. He was as little prepared as any man to tie up the hands of this country, or to curtail that naval supremacy of England on which her greatness and her security depended; but he very much doubted whether, looking to the vast amount of the commerce of this country and its diffusion over every quarter of the globe, it would be possible for the navy to protect it efficiently in time of war. There could be no question that the inevitable effect of the Declaration of Paris would be, if the present state of maritime law remain unchanged, to throw the commerce of this country into the hands of neutrals; and therefore he thought our interests were concerned in a further relaxation of that law. But whatever course they adopted in this matter, they must not interfere with the right of blockade, and, as he understood the hon. Member for Liverpool, he did not intend by his Resolution to interfere with that right. The object of a blockade was to close up a particular place, not an entire coast. When that was done, the object in view was attained. But the commerce of a country whose ports were blockaded would continue to be carried in neutral vessels. He did not think that the great injury which

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was apprehended would result from the relaxation of that law contended for; but for the preservation of the greatness of this country, and for the maintenance of its great maritime supremacy, no change should be made without corresponding stipulations with respect to the right to blockade. If they were made, he would not object to such a well-considered relaxation of the law as the altered circumstances of the times and the feeling of the world at large seemed to demand. But it was of the utmost importance to see that whatever changes might be made were not inconsistent with the maintenance of the naval supremacy of this country. He agreed with the sentiment of the noble Lord at the head of Her Majesty's Government, that war was not decided by the loss to be endured. Individuals must necessarily to a certain degree suffer during war, but he hoped that the effect of the present discussion would be to lessen the horrors which attended it. The sufferings of individuals would, he trusted, be lessened, but care should be taken not to cripple our means of bringing war to a speedy termination.

MR. BUXTON shared the surprise and regret which had been expressed by the hon. Baronet the Member for Stamford (Sir S. Northcote) at the statement of the Lord Advocate as to the disregard of the rights of private property during war. He was under the impression that now-a-days it was an acknowledged rule among civilized nations, that, subject to the first and absolute necessity of maintaining the army and carrying out the operations of war, private property should be respected. He did not see how any other practice could be reconciled with the well-known fact that indemnity was paid to private individuals whose property had been confiscated or destroyed by Denmark during the war upon that State. There could be no doubt that the great question was, how did the proposal before the House bear upon our naval supremacy? If it would promote that object, he could not conceive that any Englishman would oppose it. If it would detract from our power in that respect, then he was sure Members on all sides of the House would unite against it. Humane considerations were, no doubt, entitled to great weight, but in this instance they appeared to him quite incidental. He would waive the point of humanity, and consider the bearing of the proposition upon our naval supremacy.



Upon the one side it had been argued, that having a larger navy than any other Power, if we surrendered this one great right of defence, we should be giving up our naval supremacy. Upon the other hand, it was said that we still retain the right of blockade, and that as long as we had that power our naval supremacy would be exhibited in our being able to blockade an enemy's ports, to crush any force with which he might attempt to destroy that blockade, and to protect our own ports from a retaliatory blockade. If the proposition now made were agreed to, we should be able to blockade an enemy's ports with far greater efficiency than at present. Now we were compelled to scatter our ships all over the world as convoys to our merchantmen; but in the other case we should be able to concentrate our fleets upon the enemy's coasts, and so seal up his ports and exterminate his commerce so long as the war should last. At the same time, our enemy, not being equal to us in naval force, could not blockade our ports, and having no longer the right to wander over all the seas of the world to prey upon our commerce, his navy would be practically useless to him. Another consideration was, that though our powers of offence were greater than those of any other nation, our mercantile marine was greater also. In respect to ships of war, we had 562, against 327 of France, or not quite double the number; but in respect of commercial marine, our vessels were five times the number of those of France. Therefore, although our greater naval power would enable us to inflict greater damage upon France, yet the power would be balanced by the disadvantage of our larger commercial marine, offering increased opportunities for attack and seizure. A third consideration was one that had been referred to already by the Lord Advocate, and it seemed to him to be overwhelming, that we had no longer the power of touching an enemy's trade except in the way of blockade. We had given up the right of seizing neutral ships carrying enemy's goods, and now we had only the power of touching an enemy's ship carrying neutral goods. The inevitable effect of a maritime war would be now, not to stop the trade of our enemy, but to transfer that trade to the ships of neutrals. It was clear that no country could suffer so much as England from the destruction for a time of her carrying trade at sea. It

might be said, that although that would be a cause of regret, yet it would affect only one interest, and in times of war some interests must suffer. But the question was how far such a state of things would affect our naval supremacy. Supposing that a war in which we were engaged were to last three, four, or five years, it was obvious that during that time the operations of our commercial shipping must be confined to our own ports, while our foreign and distant trade would be carried on in neutral bottoms; and probably, when the war was over, we should find that the neutral country or countries had availed themselves of their opportunities by purchasing our unemployed ships and attaching our sailors to their service by the offer of higher wages, and probably had laid the foundation of a commercial marine that would put an end for the future to our naval supremacy. He was sorry to be opposed to the Government upon this point; but when he found that the objection raised against the proposition that it would diminish our power of defence, was overborne by the considerations he had mentioned, could not abstain from expressing the opinions which he entertained.

MR. NEWDEGATE rejoiced that his hon. Friend the Member for Liverpool (Mr. Horsfall) had brought the subject under the consideration of the House, for he (Mr. Newdegate) was one of those who felt in 1856 that Her Majesty's Government had sanctioned our representative at the Congress of Paris in greatly exceeding the functions which the country understood he was empowered to fulfil. What were the facts? Lord Clarendon was sent to France to conclude a treaty of peace, and Lord Clarendon undertook, on the part of his country, to settle the law which should regulate all future maritime warfare. Now, he (Mr. Newdegate) contended that that was a rash act on the part of Lord Clarendon as well as of the Government, and he believed that by that act our maritime supremacy has been most grievously imperilled. It was idle to judge of our position from our present predominance and the large navy which we maintained. We must consider the source from which that strength was derived, and the means as well as the motives which induced and enabled us to maintain that mighty navy. If the Government were to tell the people of this country that they maintained that navy merely to guard our country from

invasion, the people might say that they had already answered that purpose by the Volunteer movement and by the patience with which they had submitted to our great expenditure on fortifications. They might answer by saying, "We will guard our shores from an invasion of the enemy by our own internal strength." He (Mr. Newdegate) might think that as rash an undertaking as that on the part of Lord Clarendon. But his objection to the proposal of his hon. Friend the Member for Liverpool was, that it would propagate a very dangerous delusion. Because, what did he propose? His hon. Friend proposed that some universal treaty or some declaration of maritime law should be adopted by which private property might at all times be sacred on the sea. Everybody's business, however, was nobody's business. If that declaration stood by itself, with the prospect merely of being supported by the general concurrence of mankind, that concurrence would not, probably, be enforced until the commercial marine of some country had suffered a grievous loss by capture and degradation. It had been argued in the House, that the commercial marine of England being the largest, it was the most likely to suffer from capture. There was every inducement to attack it; and if it were guarded only by some declaration of international law, which nobody in particular was interested in enforcing, he could easily conceive how England might be reduced to the position of righting her own wrongs, and that righting would be quickly followed if it were not preceded by a declaration of war. Let the House remember, they must not put too much faith in the observance of treaties by foreign Powers. The people of the United States had shown in the affair of the *Trent* that they were only brought to respect international law by an apprehension of the consequences that were likely to follow its violation. Look at France. The present dynasty there was founded on the principles of the first French revolution, and we had recently heard that members of the Napoleon family had boasted in the Senate that they adhered to the principles of that revolution. What were the effects of the predominance of those principles when they came into force under the first Napoleon as chief of the Republic? Those principles meant a reaction towards what was called the law of nature, which was termed advanced civilization by those

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who admired the revolutionary constitution of France when it suited their purposes, but which they designated as barbarism in other cases. That was the nature of those principles, and under the influence of them the French had broken at once through every bond of international law, and set at defiance every treaty. The House had heard repeatedly during this debate, that although the maritime relations of Europe were regulated by the obligation of treaties and maritime law up to 1793, after that period the obligations and restrictions of those treaties were swept away; that such was the domination of mere revolutionary force that it carried away with it the treaties upon which Europe had hitherto relied. Let them not persuade themselves that they could trust to paper declarations, when they saw two of the greatest maritime Powers of the world still boasting that their institutions are founded on those revolutionary principles and boasting of their adherence to them. In the case of France it is well-known that she defies the treaties of 1815, proclaimed her intention to violate them, and undisguisedly sought to break through the conditions then imposed upon her by Europe. He did not mean to speak disrespectfully of the present Emperor of the French. On the contrary, it was his belief that the Emperor would willingly control those principles. It was his belief that the present Sovereign of France, so far as he could, and so long as he dared, would be the friend of England. But it was well known that before he left this country he had said that he might find himself placed in circumstances which would render it impossible for him, having regard to self-preservation, speaking always as the head of the state of France, to remain the friend of England or even to abstain from invading England. Well, they must take these facts into account in considering this question. He felt that the adoption of the principle contended for by the hon. Member for Liverpool might effect an object which he for one should not lament—by reducing the Declaration of Paris to an absurdity. But it would certainly have this effect. It would prove a delusion to the commercial marine of this country. It would induce a false security. It would avail those who sought to reduce our armaments by supplying them with such an argument as this—"What need we this expense for our navy? Is not our commerce protected by this Decla-



ration?" And yet when the test came, the Declaration might be found not worth the paper on which it was written. Perhaps he might be accused of speaking disrespectfully of Europe, and of great nations, in saying that he should not like to trust the preservation of the commercial marine of this country to any mere treaty or declaration of maritime law, however generally adopted. He should be very sorry to do so; and for that reason he rejoiced in the course taken by the noble Lord at the head of the Government in declaring that he would not be forced further in that course. He (Mr. Newdegate) thought he had gone too far already in sanctioning the Paris declaration of maritime law. They must not, however, neglect the representations made by the shipping interest. There was reason to believe that the manufacturing interest would not suffer equally with shipping interest; for the complaint was, that English goods, in the event of war, would be committed to foreign ships for transport. We knew that was true, because, before the Declaration of 1854, which arose out of the necessities of our alliance with France, that House was warned by the late Mr. Mitchell and the Messrs. Phillimore, whom he regretted not seeing on those benches, that neutrals had already grasped a great portion of the transport trade, which otherwise should be confined exclusively to our own shipping, and that our shipping had suffered a disadvantage in consequence of about 20 per cent. The plain and palpable fact was, that under the Declaration of Paris our commercial marine was placed at a manifest disadvantage; and if we suffered our marine to be placed at this disadvantage for any lengthened period, we should be striking at the root of our maritime defences, and sapping that strength which was developed in Her Majesty's navy. It was obvious, that unless Her Majesty's navy were supported by an adequate commercial marine, we could not hope to continue it in that strength which we all desired. In that House he had heard privateering spoken of as a most barbarous usage long discounted, and he heard hon. Members rejoice in that portion of the Declaration of Paris which purported to have abolished it. But our cousins in America were wiser than we were. How had they avoided the expense of maintaining a large national navy? Simply by reserving to themselves

the natural means of offence and defence which were to be found in the arming of their commercial marine. It might be that modern ideas had gone to such a length that England would recoil from the notion of granting letters of marque, the means by which that species of force was made to pay its own expenses. He begged the noble Lord at the head of the Government to consider this—if we were to abandon privateering, and to be engaged in a general war—which God forefend!—we must be prepared to recognise some system by which our commercial marine might be employed as an irregular force by sea, in the same manner as the Militia and Volunteers by land. The action of the United States, as it now existed, was this: They had privateers, but the Federal and Confederate States had both chartered a vast number of merchant vessels as vessels of war. We must follow that example. It was idle to compare warfare on land to warfare on sea. The cases were totally dissimilar. Upon land we might spare to a limited extent private property. The ocean was the highway of nations. It was the highway on the safe transit over which our people were made to depend for their food; it was the highway by which we received the staples of our manufactures, and over which it was essential that we should maintain the power of transit. He therefore thought that this House could do nothing more rash, nothing less deserving of the confidence of the country, than to adopt any Resolution hastily in the position in which we stood—a position most perilous under the action of the Declaration of Paris. He agreed with the hon. Member for Liverpool that it was the duty of the Government, and of that House, to look carefully into this subject, and to be prepared, at all events, as to what we should do in the event of our being involved in a maritime war. We could not maintain that command of the ocean, which we possessed during the late war, by the action of Her Majesty's navy alone. It must be supplemented; and if we did not choose to revert to the system of privateering, it must be supplemented by an organized employment of our commercial marine. He ventured to trouble the House with these few considerations, though he heartily concurred in the course taken by Her Majesty's Government on this occasion. He thought that the suggestion of the hon. Member for Liverpool, if adopted, would be merely

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propagating a delusion and setting a trap to the maritime interest of this country. He was still convinced that our position, under the Declaration of Paris, was a most unsafe one. Although, he granted, it was an object of great importance to this country that the minor maritime Powers should be encouraged, still it was unwise to encourage them exclusively at the expense of our own commercial marine. It was quite true that the Declaration of Paris in favour of neutrals was not likely to be such a delusion as the proposal that all private ships should be respected at sea, because there was a powerful interest on the part of neutral Powers, who would gain by it in the event of a war, to back that Declaration. But the very power of that combination was the danger of our shipping interest, and he feared that, when once the effects of the Declaration of Paris were tested by a war, this country would be sorely tempted to set that Declaration aside, and in doing so she would necessarily incur the hostility and odium attaching to a non-adherence to her engagements, which hitherto, thank God, had never characterized the action of England. He admitted that this Declaration was not the consequence of one act of indiscretion. The Government had been pursuing an anti-national policy, and endeavouring to propagate cosmopolitan ideas. The same phase of erroneous opinion, but on a more extended scale, had characterized society in France during the first French revolution. He trusted that the practical character of the people of England would guard them from such Utopian delusions. It was idle to look forward to a period of perpetual peace. Let the House remember how many prophecies we had heard on that subject, and had seen falsified within the last few years. He trusted that the House would excuse him for having thus expressed himself. He heartily concurred in the course adopted by the Government on the present occasion. He trusted that there would be protection for all private property at sea; but it would not be in a treaty or a declaration which no State in particular was bound to enforce, and which would be merely a snare for our commercial marine. At the same time he could not help expressing his fears of the consequences to this country which, in case of war, would be likely to ensue from the provisions of the Declaration of Paris.

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MR. MASSEY said, the terms of the Resolution submitted by his hon. Friend the member for Liverpool had been very freely criticised. It had been described as vague, and not framed in such a manner as to guide the House to any practical conclusion. To this it was a sufficient answer that no difficulty had been found in singling out the particular point on which the hon. Member for Liverpool desired to obtain the opinion of the House. He admitted that the terms of the Motion were open to some criticism. They appeared to imply that the present state of international maritime law was ill-defined and unsatisfactory; whereas, in fact, the great leading points of international maritime law were extremely well defined and had been acted on by belligerent Powers for centuries. That the state of the law was unsatisfactory was another question; in that he agreed with his hon. Friend. But the question they had then to consider was, not whether the state of international law was satisfactory or not, but the terms of a Convention which had superseded that law and established provisions antagonistic to its cardinal points. Nothing was better established than that the practice of privateering in time of war was sanctioned by the law of nations; there was nothing more undisputed than that a neutral flag did not cover an enemy's goods; and that a neutrals goods were safe under a belligerent flag. These three propositions were included in the public law of Europe up to the Convention of Paris. That Convention did not abrogate the public law; it had no power to do so. But it was certainly true that in 1856 the States of Europe, with one exception, did accede to provisions of a very remarkable character. The Lord Advocate seemed to intimate that this was a matter of such high and transcendent policy that the House of Commons could hardly rise to the level of such a discussion. He must entirely dissent from that opinion, if such an opinion was intended to be conveyed. So far from agreeing with the Lord Advocate, he had always regretted that the articles of the Convention of Paris that had effected, or were to effect, such enormous changes in international law, were agreed to without the House of Commons having an opportunity of considering them. He did not blame any of the contracting Powers assembled at the Convention for this result; the nature of their communications excluded the House from any participation



in their councils ; and therefore it happened that, technically, no opportunity offered itself for discussion. He (Mr. Massey) had stated that certain provisions were part of the public law of Europe till 1856, when it was considered and altered in most essential and important points. The practice of privateering allowed by the old law of nations was declared to be abolished once and for ever ; and, contrary to the formerly existing public law, it was declared that a neutral flag should cover the cargo. These were most important provisions. The third provision was one that had already crept into practice. It was considered that belligerents made war on each other, and not on the property of neutrals. It had therefore been the practice to respect such property, even when under a belligerent flag. He would say nothing of the 4th Article of the Convention of Paris, as it was not under discussion. But the three former propositions did undoubtedly reverse the public law, superseding it by entirely new provisions. Now what did the hon. Member for Liverpool propose to do ? He proposed to add another term to the terms of the Declaration of Paris. The great Powers, in the Convention of Paris, went the enormous length of declaring that a neutral flag should cover the goods. The hon. Member for Liverpool now proposed to go one step further, to complete the code, and make it harmonious and consistent, by providing for the future a complete immunity for private property at sea. These propositions were not new, in the sense of never having been debated in the tribunals of Europe, but they were new in the sense of being part of its public law. Therefore, whatever objection might be urged to the Motion of the hon. Member for Liverpool, he hoped he should not hear of its being disposed of as a new-fangled notion. In fact, it was not new—it had often been heard of before. It had for many years been discussed as a proposition dictated by humanity and common sense. It was proposed by the United States as the condition of the accession of the Federal Government to the Treaty of Paris ; and, as a point of interest to antiquaries, the provision was to be found in an old treaty—a treaty between the United States and Prussia in 1785. It was embodied in a treaty between America and one of the Great Powers of Europe, more perhaps for the sake of enunciating a principle than for any practical object. What was the proposi-

tion of the hon. Member for Liverpool ? They knew that formerly belligerents carried on war in a form so harsh and oppressive that neutrals suffered almost as much as the enemy, and protested against the tyranny to which they were subjected. This country had sometimes gone too far, and in former times used the hand of power too heavily and harshly ; but if it oppressed neutrals too heavily by its former belligerent practice, it had now gone to the other extreme, and, by a sort of self-denying ordinance, had transferred to the neutral the whole advantage of war. By the momentous provision by which it was declared that a neutral flag covered the cargo they had conceded nearly everything ; yet the Motion was debated as if the hon. Member for Liverpool was proposing for the first time some gigantic innovation — something wholly unheard of—something that revolutionized all public law, and produced conditions never before known in their belligerent transactions. But it was obvious that the effect of the Declaration of Paris would be to transfer the bulk of the carrying trade in a time of war to the neutral Powers. The only question remaining for consideration was as to the small residue of that trade—because, if the country was at war, the merchant would endeavour to carry his goods with the greatest security and economy ; they would be most secure in a neutral bottom ; and the carriage would be most economical also under the neutral flag, as the owner would not have to pay for a war risk to the underwriters. Then it seemed to come to this, that neutral bottoms would carry the whole commerce of the belligerents. The old system of convoys for merchant ships was exploded. How could sailing ships go under the convoy of steamers ? The whole of their policy was at variance with a revival of the old practice of convoys ; merchant ships could no longer rely on such protection. Under what conditions were former wars carried on ? The art of war was so much improved—it had passed so much from a mere violent collision into a matter of science—that no war could hereafter be greatly protracted. We should no longer see twenty or even seven years' wars. It would not now be a question whether a war would last so long that it would be worth our while to provide for the destruction of the enemy's commerce. How could this possibly be done in a war which would probably cease in one or two years ? Such

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an object could no longer be arrived at. But our shipowners were treated with derision, as though they were unduly obtruding themselves and their interests—although, at the same time, it was admitted that the Convention of Paris would damage the carrying trade most materially. The answer which they received was—“You must submit to the exigencies of war, and it is unreasonable and selfish of you to interpose when great national interests are at stake.” This was strange language, because our commercial navy was proverbially the nursery of the Royal navy. And did those who used such language suppose that this shipping interest, of which they made so light, was a small matter? Did they know that the shipping interest of this country and her colonies numbered 37,000 ships, with a tonnage of 5,500,000? Was that a thing to be lightly regarded? But this matter had another aspect. They had been lately discussing the propriety of imposing on our Colonies the duty of providing for their own internal defence and of assisting in their external defence. The prosperity of our Colonies depended very much upon their shipping interests; but if, as would probably be the case, we engaged in some war in which neither Canada, nor Australia, nor the West Indies had any interest whatever, what a position those Colonies would be in when their commerce was preyed upon by the enemy, and they were told by the British Government that they would receive no soldiers and no ships for their defence, but must encounter the enemy as best they could. They would naturally reply—“Leave the source of our wealth unaffected by your Convention, and we will provide for our own defence; but if you deprive us of the one, how can you expect us to provide for the other?” Our shipping interest was one of a peculiar kind. It had been the crucial test of free trade. A Committee of that House had been lately inquiring into the grievances of shipowners. He did not mean to say that all the grievances contained in the able Report of the Committee could be substantiated, or that the remedies called for were such as that House was likely to grant; but it should not be forgotten that when great writers and philosophers of the last century recommended the doctrine of free trade, they made an exception in favour of the shipping interest. The Navigation Laws

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had been rightly abandoned, for they were no longer necessary to maintain the commerce of the country; but in other times, when commerce was regulated by a restrictive policy, they certainly conduced to the greatness, the wealth, and the ascendancy of this country. These laws wrested from the Dutch the whole of the carrying trade. They established great lines of communication between different parts of the world, and under their shelter our hardy seamen increased and our commerce covered every sea. But we should make no progress whatever if laws—which were necessarily perishable institutions—were always adhered to because they had been found useful under one particular set of circumstances. We had had the wisdom, in inaugurating a new system of policy, to give up these cherished laws. They had done their work, and they had earned the gratitude and the respect of the people of this country. But free trade inflicted considerable injury on our shipping interest—though he believed this injury had nearly been surmounted. But if this interest had really suffered more than any other from the operation of free trade, that was surely a reason why it should not be exposed to risks which would inflict a more deadly blow than any it had yet encountered. What would be the result of a war carried on under the conditions agreed upon by the great Powers by the Convention of Paris? When we spoke of war, we had always in mind the possibility of a war with France. Now, the hon. Member for Montrose (Mr. Baxter) had last year shown conclusively that the merchant shipping of France was a declining interest. In the event of war we should immediately blockade the French ports, and her merchant shipping would disappear from the seas. But then the large war navy of France would, so far as it was not watched by British fleets, prey upon the residue of our commerce which was not absorbed by neutrals and which was still carried on under the British flag. What reciprocity would there be in such a state of things? He could conceive nothing more to the interest of this country than to go to the length which his hon. Friend recommended, and thus render the Treaty of Paris complete and consistent. With regard to privateering, the ships to which letters of marque would be issued in time of war would be very few; cruisers propelled by steam would entirely supersede those light ships which in former times



used to inflict so much damage. But his right hon. Friend said, "We have given up privateering, and we have therefore assimilated war by sea and by land." He (Mr. Massey) could see no similarity between the two cases. It had been denied with great emphasis that in time of war there was any respect for private property on land. That was a new doctrine to him. The practice had been in the late war, and certainly would be for all well-conducted armies in future wars, to pay their way, very much like travellers in a foreign country. Of course, it might not be exactly so; there must be cases of necessity, and an army marching through a hostile territory must be supplied with provisions, with fuel, with horses; and those things must be seized. But what was the practice with the Duke of Wellington in the great war? Those things were seized, it was true; but there was nothing like plundering, and wherever the necessity of war rendered it imperative that a strong hand should be laid upon them they were all paid for, and compensation was given to those whose property was thus injured. But the sea was the highway of nations, and the privateer was the licensed robber. He was to be abolished, but the armed cruiser was to take his place; the robbery was to go on, but, he was ashamed to say, it was to be perpetrated by the belligerent himself. They only excluded the rapacious class who hovered about the War Office like birds of evil omen when there were rumours of war, ready to seize the property of those who had done no harm to them or to the nation at large. He did not say whether it was politic or not to agree to so enormous a revolution in international law as was involved in the second article of the Declaration of Paris; that was not now under discussion—but if it were, he should not hesitate to pronounce a very decided opinion that it was conducive to the interests of humanity, and tended to discourage the severities of war. He believed that the right thing was done, and in the right manner. They agreed to that article under no pressure, they did it deliberately, at a congress of the Great Powers. It was not the case of a nation that had been worsted in war and was obliged to submit to a treaty dictated by a victorious enemy. If that were the case it might be said that they had submitted under a disastrous military fortune, and hoped the time would come when they would reverse the position in which they

were placed. But this article was agreed to by Russia, by France, by England, by Austria, by Prussia—the five leading Powers of Europe—quietly assembled in congress, not designing to take any advantage of each other, but determining wisely, nobly, and magnanimously upon provisions which were in accordance with the improved state of things. With regard to the analogy which it had been attempted to establish, was it not the fact that whatever hardships we might have caused in time of warfare were caused not from a wanton desire to inflict injury upon our opponents, but from the absolute exigencies of war itself, and that we were obliged by public opinion to justify them in the face of Europe? What did we do in the war with America in 1812? We took the city of Washington; we destroyed—and we were perfectly justified in doing so—all the fortified part of that city; but we destroyed also the civil buildings, the museums, the courts of law, the libraries, and we found ourselves arraigned before the tribunal of Europe for the act. The *Annual Register* of the day, which was favourable to the Government and their acts, writing fifty years ago, said that it could not be concealed that the extent of the devastation had called down heavy censure on the English character, not only in America, but on the continent of Europe; not that strict discipline had not been observed by the troops and private property protected, but the destruction of every establishment connected with the arts of peace and consecrated to the uses of civil government was an indulgence of animosity more suited to times of barbarism than to the age and nation in which the hostilities took place. And yet they were told that there was no difference between the practice of war carried on upon principles which were subjected to such criticism and the wanton plundering of private property at sea. They would make no advance whatever towards any conclusion if they were to be taken back, and obliged to traverse ground like that which was already closed and no longer open to discussion. There was nothing better established than the striking difference between the mode of carrying on war by land and by sea. And that brought him to the old argument, of which he was almost ashamed, that they must carry on war in such a manner as to subject the enemy to an amount of pressure which would induce him to make an

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early peace. If that were so, the obvious answer was, "Carry out that principle to the utmost limit; burn, sink, destroy, set fire to unoffending towns, take men, women, and children captive." That, certainly, would subject the country with which they were at war to an enormous amount of inconvenience and pressure, and would, if efficacious, undoubtedly conduce to the early establishment of peace. But they knew the contrary would be the result. The high spirit of a people would be only exasperated by such outrages and cruelties, and as long as there was an inch of ground to stand on, or an arm to raise, they would resist. But no nation was ever brought to terms of peace by the destruction of its commerce. There was the most conclusive of all instances—the case of France in the late war. Why, the military glory of France culminated to its highest point after her flag had disappeared entirely from the seas. Was Spain subjugated by the destruction of her commerce? No, her fleet was annihilated at Trafalgar; and now after half a century she was slowly emerging from the ruin which then overwhelmed her. What had been the nature of the progress made in the art of war? Had not all the energies and ingenuity of mankind been directed to make war merely a collision between hostile forces? Were we spending millions on iron-plated ships, Armstrong guns, and fortifications in order to destroy the commerce of the enemy at sea? Then it had been argued, that if we entered on such a treaty as had been indicated by the hon. Member (Mr. Horsfall), it would be abrogated by war. Other stipulations might be annulled by war; but to say that a treaty specially providing for the exigencies of war should be annulled in war would be to represent the Powers who were parties to it as acting like children. If the parties to such a treaty became belligerents, one of these Powers might during some exigency be tempted to break it. But a Power so faithless would be visited by the condemnation of Europe, and no advantage would be gained by infraction of the treaty. What had happened the other day, when this country was on the brink of a war with the United States? There was a New York journal, said to have the largest circulation of any in that country. That journal asserted, that if the two countries went to war, the property of British subjects in the United States must be

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confiscated. The United States Government were labouring at the time under feelings of extreme irritation, but they dared not go the length of asserting that principle, and the felonious proposition only redounded to the discredit of the disreputable print from which it proceeded. If he were asked to what he would trust to maintain the integrity of such a treaty he would reply, to public opinion, which had already achieved so many triumphs, and the dominion of which had increased and was increasing. He would trust to that public opinion which had spared Odessa in the Crimean War, and which in future wars would, he hoped, be more powerful than artillery to restrain the avenging arm from visiting and punishing defenceless cities. The Motion of his hon. Friend was not, it seemed, to have the sanction of the leading statesmen in the House. He was, however, neither discouraged nor surprised by that circumstance. In this country great ends were achieved by slow degrees, and perhaps those results were more valuable and more permanent because they had passed through stages of difficulty, prejudice, and obstruction. During the great French war Mr. Pitt and Mr. Fox, who agreed in nothing else, agreed in this—that to say a neutral flag should cover an enemy's goods was not only contrary to international law, but was at variance with common sense. Lord Grenville, a great statesman, if ever there was one, and deeply versed in international law, in a great and memorable speech said that the concessions made by us in our Convention with Russia, which fell far short of the declarations of the Treaty of Paris, were acts of servile acquiescence, and sacrificed all the substantial advantages that this country had obtained in the war. But we had gone far beyond these concessions by the Treaty of Paris, where the great contracting Powers, under no pressure or exigency, and in time of profound peace, debated this question and agreed to the declarations. He knew not what might be the fate of the Motion of his hon. Friend (Mr. Horsfall). He attached very little importance to the result of this division, and should be indeed well pleased if his hon. Friend were content to withdraw his Motion, and leave the further progress of the question to public opinion, stimulated as it would be by the opinions expressed in that House. No immediate result, indeed, could follow from adopting the Motion, be-



cause the matter was one of international law and must be settled by the Great Powers of Europe. On the other hand, if his hon. Friend should persevere, he was prepared to say that it would be worthy of that assembly to manifest to expectant Europe its approval of a principle equally sound, whether viewed in regard to human policy or the best interests of the civilized world.

MR. BENTINCK said, if he did not follow his hon. Friend who had just sat down through the whole of his arguments, it was not from any want of respect for the opinions he had expressed. He should have occasion once or twice to advert to what had been said by hon. Gentlemen, but before doing so he must offer his sincere thanks to the hon. Member for Salford (Mr. Massey) for the tribute which, in the honesty of his character, he could not help paying to the memory of the navigation laws. Such was the hon. Gentleman's natural honesty that on this subject, in spite of himself, the truth slipped out. But then the hon. Gentleman said that those laws had been interred in the gratitude and respect of the country. He (Mr. Bentinck) could only say he did not see what gratitude there was on the part of a country which interred those laws which had been the source of her great maritime power. As to the respect of this country for those laws, he believed it existed except in a political portion of the community; and the best tribute he could pay to the late navigation laws was, that they were in direct contravention of the Treaty of Paris. Another point his hon. Friend had referred to deserved notice—the alleged abstinence of belligerents from interference with private property in war on land. He could not understand his hon. Friend's views, but he thought that if the hon. Gentleman would get rid of all prejudice created by the question before the House, he would see that so far from there being less spoliation on land than on sea in time of war, the greater amount took place on land. In fact, the principle of warfare had always been to cripple the enemy's resources in every possible manner, in order to compel him to make peace. He could not refrain from commenting on one remarkable observation that fell from the right hon. Secretary for War in the early stage of this debate. The right hon. Gentleman stated that Government was an instrument for plundering the people. That appeared a very remarkable statement to come from an important Member of a Government.

He then went on to explain that the French, after conquering Prussia, made the Government the means of plundering that country. Now, he (Mr. Bentinck) could not help being impressed by the fact that they had heard much of late years of the good fortune always attending the Emperor of the French; but it occurred to him that according to that statement the good fortune of the Emperor of the French exceeded anything he had ever heard. In the case referred to, the Emperor Napoleon had to conquer the people of Prussia before he could make their Government the instrument of plundering them; but the present Emperor, without having to go to the trouble of conquering this country (and unless they took the advice of the hon. Member for Birmingham he did not think they ever would conquer it), possessed in this Government one of the most powerful instruments for plundering the people of this country. In plain English, they were discussing the merits and the value of the Declaration of Paris. Was that Declaration binding on this country? He agreed with the noble Lord at the head of the Government, that if they attempted to abide by that Declaration, they would be guilty of an act of political suicide. The noble Lord the present Foreign Secretary had quoted maritime authorities on the subject of free bottoms making free goods, and had added that the rule of goods of belligerents being safe in neutral vessels was injurious to the supremacy of maritime countries, and especially to the maritime power of this country; and that everybody would see that these rules were laid down as a blow to the maritime supremacy of England. These were, or had been, the views of the noble Lord in 1857; and he (Mr. Bentinck) should be glad to know whether they were, or were not, endorsed by Her Majesty's Government. He should like to know how far the Government intended to reconcile those opinions with the adoption or rejection of the Motion of his hon. Friend. Another great authority, for whom he entertained the highest respect, had said that he did not think that a great maritime country could be bound by such a Declaration—at all events, that circumstances might alter the arrangement in case of a great war. Now, unless at all times, and under all circumstances, we were bound by that Declaration, he (Mr. Bentinck) thought we should be playing the part of a hypocrite. We ought dis-

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tinently to state whether we were or were not bound by that Declaration; and the case was here stated in a nutshell. We were bound to say whether we held ourselves bound by this Declaration; and if we did not do so, we were acting in a way unworthy of this country. One point of great importance had been referred to, and that was the proportion of trade carried on by sea and land. If hon. Members took the trouble to refer to the documents furnishing information on this subject, they would find that somewhat about two-thirds of the commerce of each country was dependent on the sea; so that it was vain to suppose that they could effectually act on an enemy's commerce except by naval operations. It had been said that in these days it would be quite impossible to convoy vessels, and that a number of the merchant steam-vessels of this country were so fast that they would outstrip the men-of-war acting as convoys. If that should be the case, those swift vessels would, surely, not be liable to capture on the sea, and, indeed, would be independent of all warlike operations whatever. In the Russian war we had lost much by the waiver of our right of search. He had heard some put it at £25,000,000; but he believed that the loss exceeded that amount. If the right of search had existed, he believed the war would have terminated twelve months sooner, at a much less sacrifice of blood and treasure. But his principal object in rising was to point out that he thought his hon. Friend the Member for Liverpool had, he believed unintentionally, placed the House in a somewhat false position. He, for one, felt equally unable to vote for or against the Motion. He entirely subscribed to the terms of the Motion as placed on the paper, for he thought the present state of the law most unsatisfactory and most injurious to the mercantile marine of this country; but the Motion itself could not be severed from the arguments by which it was supported. He entirely dissented from the remedies his hon. Friend proposed for meeting the existing difficulties, and he concurred with the learned Lord Advocate that to pursue the course recommended would constitute an act of political suicide. He had no doubt that other hon. Members were in the same predicament; and under these circumstances, he appealed to his hon. Friend not to press his Motion, but at some future time to raise a clearer and more distinct issue.

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MR. BRIGHT:—Sir, there has probably never been a question brought before this House, at least during the time I have had a seat in it, more deserving of a very serious and dispassionate consideration than this. And I am bound to say that, looking at the debate last week, and at the debate to-night, there is no appearance of a partisan or of a party spirit in the discussion. Both sides of the House appear to think that the question is out of the region of party, and that it is to be discussed with reference to the interests of the country and to the interests of humanity at large. The Motion of the hon. Member for Liverpool is couched in very general terms. There is a certain degree of truth in what was said by a Member upon the Treasury bench the other night, that the object of the hon. Gentleman was to get a large acquiescence to it in the House. But I believe his principal object was to get into his net those Gentlemen upon the Treasury bench. It was not intended to have a large vote in a hostile spirit to the Government; but the Motion was so drawn, in the hope that the Government might accept it; because it would not pledge the Government absolutely to any course, but would rather leave them open to take such proceedings as they might think advisable hereafter, whether with regard to any proposition they might choose to make, or with regard to any proposition which any other nation might choose to make to them, upon this important question; and, of course, as the debate proceeded Government would be able to ascertain the state of the feeling of the House upon it. I am quite sure that was the object of my hon. Friend the Member for Rochdale (Mr. Cobden); and I have no doubt it was also the object of the hon. Member for Liverpool. Some Members of the House—the hon. Member for Honiton (Mr. B. Cochrane) the other night, and the hon. Member for West Norfolk (Mr. Bentinck) just now—have undertaken to blame the Government for the course they took in the year 1856. I am of opinion that the course they took was necessary to be taken, and that it was a wise and proper course in every respect. As soon as that course was taken, it was obvious that the debate in which we are now engaged must at some not distant period come on. Therefore I think the House are doing very wisely to discuss the subject now. The House well knows that from the period of the termination of the



last great war until the Russian War there passed a period of about forty years—forty years of wonderful changes not only in this country, not only in Europe, but upon the American continent. There had grown up during that period in America a great nation, with a great mercantile navy—a navy so great as to be about equal to the mercantile navy of this country. When the Russian War began, the Government advised the Queen to issue a Proclamation, to which reference has more than once been made—a Proclamation which did, in respect of the time occupied in that war, precisely what the Declaration of the Congress of Paris two years afterwards did for international law in general, and for all future wars if such should unhappily arise. It was found by the Government that the old policy was impossible any longer. Unless you could blockade every port of Russia, it was clear the American mercantile ships would have carried on their trade with Russia as before the war; that if they had had Russian cargoes in their ships, they would not have permitted—I speak advisedly—they would not have permitted without remonstrance, and probably not without resistance, the exercise of the right of search with regard to those ships, or the taking from them the property of Russia, which was then the enemy of England. If the Government had not taken the course they did take by the Proclamation of 1854, in six months or less they would have been involved in very serious discussions with the United States Government, which might have been the cause of adding to the then existing calamity of a war with Russia the calamity of a war with the United States also. I say, then, that the noble Lord at the head of the Government was right. He was not then Prime Minister, but he was a Member of the Cabinet of Lord Aberdeen, and I have no doubt his opinions had great weight in that Cabinet. I say that the noble Lord and his colleagues acted wisely upon that occasion. They did that which, I believe, was absolutely necessary; therefore I am prepared to give my entire assent to the course they took. In the year 1856 there was a meeting or congress of diplomatists at Paris, at which Lord Clarendon represented this country. The parties to that Congress knew what had been done during the Russian war; they knew the cause of the Proclamation of 1854; they knew that if in future any war should arise, the same difficulty would

meet them. Therefore, in my opinion, they wisely agreed upon that Declaration with which some hon. Members have found fault to-night. I hold, then, after careful consideration of the matter, that the course taken by the noble Lord—for he was Prime Minister in 1856, when the Congress met in Paris—that that course could not have been avoided, that it was inevitable, and that, being then inevitable, it is now irrevocable. What was it that that Congress did? I am not for a moment about to say it did not do something, and of all that importance which has been ascribed to it by the hon. Member for Salford. It declared that there should, henceforth, be no war made upon the trade of a belligerent, with the exception of an actual blockade; that his exports and imports should be free as in time of peace, only upon one condition, that those exports and imports should be carried in neutral ships. That if England and France were belligerents—everybody seems to bring them forward as examples of probable future wars, perhaps only because they have been so much at war in times past—that if England and France were at war, that those belligerents might trade in peace, not only with each other, but with all neutrals, if their trade was only carried on in the ships of neutrals. That is, that if an enemy will keep his own ships at home we undertake, and all other nations undertake, to do no harm to his trade at sea. This case of England and France affords the most opposite illustration of the present state of the case. France has not a great mercantile navy, but she has a very considerable war navy. There would not be the smallest difficulty under the Declaration of the Congress of Paris for all the trade—that is, for all the present foreign trade—of France to be carried on by neutral ships, say the ships of the United States (assuming, of course, that the ports of France are not blockaded), and France might keep such of her ships in her harbours as had not been transferred to the register of the United States. At the same time, if France has a great war navy—and hon. Gentlemen, to my mind, sometimes greatly exaggerate its magnitude—the ships of France would insist necessarily upon the same thing with regard to England: that the United States, the Baltic, Holland, the Greeks, and some other nations, should furnish ships to carry on the Foreign trade of England, and the great bulk of the ships

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belonging to England would necessarily be kept in harbour. I suppose that is a fair statement of this case, and, I hope, so put that everybody can understand it who has not heard the case put before. The mercantile ships of England and France would then be shut up, and the neutrals would be driving a trade more flourishing than they had ever had before. If England and the United States were at war, exactly the same result would follow. The ships of the French and the Dutch, the ships of the Baltic nations, of the Greeks, and ships from every part of the world, would carry on the trade between the United States and England, and we should have the mercantile navy of both countries shut up, to the absolute ruin, for a time and permanently, of some of the shipowners of both countries. If anybody doubts this, I think they may take the opinions of the Liverpool Chamber of Commerce. I should be very sorry, upon a matter of fact like this, to set my opinion against theirs; but I think they must understand a good deal of their own business. They state, in a petition they have presented to this House, that, in their judgment—

“There exists no reason for exempting from capture at sea merchandise the property of belligerents conveyed in neutral vessels, which is not equally valid for exempting the same property when carried in belligerent ships, and the ships themselves. That in the event of a war between this country and any maritime power, the change in international maritime law effected by the resolutions of the Paris Congress, however wise and humane in itself, would deprive a large portion of our shipping of employment, and transfer our carrying trade to neutrals, thus inflicting a special and serious loss on the shipowner. That while the proposal which the petitioners advocate would, undoubtedly, deprive the navy of England of the power which it at present possesses to injure the carrying trade of an enemy, it would shield us from the infinitely greater injury which the fleets of any powerful maritime state would inflict on our mercantile marine in time of war.”

I agree with the hon. Gentleman the Member for Salford (Mr. Massey) that it is indecent and offensive to use language with reference to these shipowners which I have seen used. I was no friend to the pretensions of shipowners for special privileges and protection; but surely they have as great a right to be considered, when we are discussing great public questions, as cotton-spinners, or landowners, or any other class of men. The facts of the case and the consequences, as stated in the Liverpool petition, are, to my mind, quite clear and cannot in the least be successfully con-

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tradicted. The result then comes to this—that we have agreed to make war less burdensome to ourselves, and less burdensome to the enemy with whom this country may be at war; but we have done it in such a manner as to inflict special hardship, and to cause something like ruin and very grievous injury, to a very large and important class of the population of this country. I said before, that the change in 1856 was inevitable; and being inevitable, I believe that these results are inevitable. Now what is it that the hon. Member for Liverpool proposes? Let me remind the House that that hon. Gentleman and his colleague, who I believe agrees with him, represent probably the largest number of merchants and shipowners, and the greatest amount of shipping property, of any Members in this House, or of any Members of any representative assembly in the world. Bear in mind that his proposition was supported the other night by a Member who may be said to represent, to a considerable extent, the shipping of the Tyne (Mr. Lindsay). That proposition was supported afterwards by the hon. Gentleman the Member for Huntingdon (Mr. Baring); and no one will deny that he spoke the sentiments of an interest and of a class of prodigious importance in connection with the commerce of this country. The matter, therefore, which the hon. Member for Liverpool has brought before us is one that comes recommended to the House by very high authority; and it cannot be got rid of by the off-hand declaration of a Minister, however experienced or however influential he may be. The hon. Member's plan is a very simple one. He says—“Include the ships; you have freed the cargoes; you have freed the manufactures of a country in their transit across the sea; you only inflict upon them a certain extra price because freights must be higher; but you do not absolutely prohibit the transit, or do anything near that:—why not include the ships? If the trade of belligerents be permitted—and the object of the Declaration of Paris was to permit it, upon condition that it should be carried on in neutral ships—then he says—“Why should it not go in the ships and come in the ships of belligerents?” The result would be that the vast mercantile shipping of England would be relieved; and though this might cause anxiety on the part of some hon. Gentlemen on the other side, instead of



provoking wars it would of all things ever devised be the most likely to prevent wars—to make them remote and unfrequent—and if they should unhappily arise, it would be likely to bring them to an earlier termination. At all events, I think it must be admitted, at the first blush, that the Declaration of Paris and the proposition of the hon. Member are humane and benevolent. But there is one thing that strikes us all—that these propositions are in the teeth of all the theories of war. I do not deny that for a moment, and I do not in the least wish to escape from it. They are against the ancient theories of war. But the proposition of the hon. Gentleman is not against the theory of the Declaration of Paris in 1856, but it is consistent with, and it even logically follows from it. If the noble Lord at the head of the Government, or any hon. Member, believes that the Declaration of Paris was a necessary and a wise arrangement, I think he will find it absolutely impossible to argue with any effect or conclusiveness against the proposition of the hon. Member for Liverpool. Now let us look if, according to the authorities on this matter, the two propositions are not of the same kind. The Order in Council, issued by the Queen in 1854, adopted partially the principles which the hon. Gentleman (Mr. Horsfall) wishes us to adopt in their entirety. The Congress of Paris in 1856 adopted it, and confirmed it for all time to come. The speech which the noble Lord at the head of the Government made at Liverpool very soon after not only adopted the Declaration of Paris but gloried in it. The noble Lord, as the hon. Gentleman said, “in glowing language,” appealed to the shipowners and merchants of Liverpool to say that, while the Government were engaged in the great transactions of war, they had not neglected the great interests of the commerce of England. I would not say that the noble Lord was “starring it in the provinces”—and was not very particular as to the mode in which he excited the enthusiasm of his audiences; for I believe that at that moment he said what he did because he believed that what had been done at Paris was right. And I believe also that he was in earnest at the moment when he said that he hoped the time would come when the principle would be carried further—indeed, as far as the proposition of the hon. Gentleman (Mr. Horsfall) himself. The noble Lord has been—though it

is a bold thing to say of him, who is supposed to be so very careful—he has, I am afraid, been a little bold in this matter. I am not sure that I should quote the very strong language which was used by Lord Derby in another place not long ago, in which he said the time would come when they—I suppose it was their Lordships whom he was addressing—would wring their hands in contemplation of the calamities which would be brought on the country by the Declaration of Paris. But passing from these authorities, I come to that of the Committee of the House to which reference has been made. I think my right hon. Friend the President of the Board of Trade was the Chairman of that Committee. There is no man more competent to judge a question of this kind. I believe that of the Members who were present when that Committee deliberated on this point there was not one who made any objection. There was no division on the subject, and I presume my right hon. Friend, and those over whom he presided, were unanimous in favour of the proposition of the hon. Member for Liverpool (Mr. Horsfall). But be that as it may, although Earl Russell and the Earl of Derby, however much they may have dissented from the wisdom of the policy of the noble Lord at the head of the Government in 1856, yet now they both acknowledge that the step then taken cannot be recalled; and therefore, if there be any clear connection between the Declaration of Paris and the proposition of the hon. Member opposite (Mr. Horsfall), it follows, logically, that I have now a right to say that Earl Russell and Lord Derby, admitting that the Declaration of Paris cannot be changed, may be fairly quoted as authorities for the full and fair completion of the principle laid down in 1856, which is now asked for by the hon. Member for Liverpool. There are other authorities. Out of doors during the last week there has been some discussion on this question. I took the trouble of turning to an article that appeared in an influential journal in 1856, soon after the settlement of the Declaration of Paris, and after the receipt of Mr. Marcy's proposition from the United States Government. I find that article refers to the barbarism of early times in warfare and the gradual amelioration of the conflicts which take place between nations, and especially to the fact, that on land a different and more humane course is taken than that at sea; and the writer adds—

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"But unhappily this milder code has not yet been extended to maritime warfare. It is evident that, morally, no difference exists between the plunder of private goods in a house, and in a ship at sea. If the farmer and the tradesman has a right to possess his own in peace, even when the province he inhabits is occupied by a soldiery hostile to his Sovereign, it is surely reasonable that the same property, when in course of transport for sale, should be sacred from the enemy's cruisers."

And he says, with reference to the question whether England ought to accept the change—

"No one can doubt that a country like England, whose commerce covers every sea, would be glad enough to find the whole world agreeing to respect private property on board ship. But it was not quite certain that some of her neighbours would acquiesce in a doctrine which would seem to give greater advantages to a nation whose supposed monopoly of commerce already excites the envy of the world."

He concludes—

"It is now a question for the family of nations whether they will decide that a cargo of sugar on the Atlantic is as sacred as the same article when stored in the warehouses of a captured seaport."

Now, I have a distinct recollection that these observations were accepted with great satisfaction in the seats of industry in the North of England, and I believe that these observations went far with many men to convince them of the justice of the course which our representative had taken at Paris, and of the wisdom of proceeding still further. But what do we find in the same public instructor last week, on the 13th of March? The writer states broadly that there is no foundation for the argument that in seizing ships and merchandise we did what would not be considered a belligerent right on land;—thus as the House will observe, following the argument of the right hon. Gentleman the Secretary of War (Sir George Lewis). He then goes on to say—

"Lord Palmerston, we believe, rightly characterized this crotchet when he said it would inflict a fatal blow on our naval power, and be an act of political suicide."

He classes it as—

"This most dangerous of the many dangerous suggestions which have been made from the same quarter."

I was not aware that the hon. Member for Liverpool was a character who submits very dangerous suggestions to this House. The article concludes with these lines, which I hope will be compared with those written in 1856—

"The humanitarians have yet to speak—"

I do not know to whom that applies. If

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it means those who wish nations to become more humane, as I believe men and citizens are becoming more humane, then I am anxious to be classed with them. The article says—

"The humanitarians have yet to speak; but we shall be much surprised if the people of England will incline to throw away, for a false and maudlin sentiment, the power and safeguard of their country."

Well, I do not ask the House to believe the oracle of 1856 or the oracle of 1862. I should say, like many other professed oracles, it does not afford the guidance which it would be very well worth the while of the House of Commons to follow. The right hon. Gentleman the Secretary at War (Sir George Lewis) made a statement the other night which I heard with surprise and regret. The right hon. Gentleman is not only a statesman in this House and eminent in office, but he is an eminent writer. Now, I do not believe the right hon. Gentleman will ever repeat in any one of his deliberate and thoughtful works the arguments which he used in his speech last week. He wished to persuade us that there was no difference between the mode of conducting warfare on land and the mode of conducting warfare at sea. All I have to say in answer is that the hon. Gentleman the Member for Liverpool only asks the Government to agree to establish on sea the principles which are universally recognised in warfare on land; and further than that he does not propose to go. The right hon. Gentleman was wrong even in his history—I almost feel afraid to correct so distinguished an authority—when he spoke of the conduct of the Duke of Wellington in Spain. Everybody knows that the Duke of Wellington, when carrying on operations in Spain, was burning the rafter, not of his enemies, but of his friends. Therefore that case could have nothing to do with the laws of war. But if the right hon. Gentleman insists on that argument, I shall ask the noble Lord at the head of the Government to answer him. Because, when the noble Lord made that memorable speech at Liverpool, he said—

"I cannot help hoping that these relaxations of former doctrines, which were established in the beginning of the war, practised during its continuance, and which have been since ratified by formal engagements, may perhaps be still further extended, and in the course of time the principles of war, which are applied to hostilities by land may be extended without exception to hostilities by sea, and that private property shall no longer be exposed to aggression on either side,"



Unless I am to suppose that the noble Lord went down to Liverpool to talk to the Liverpool people all kinds of twaddle—of that of which he thought they were ignorant, and that which he did not believe—I have a right to call on the noble Lord, when he speaks to-night, to answer the statement of his colleague in the speech he delivered a few nights ago. But that right hon. Gentleman—and I am sorry to have to find fault with him, for there are few men for whom I have greater respect—has in this case laid down some—what I should call—very immoral doctrines on the subject of treaties. The hon. Member for Stamford (Sir Stafford Northcote) to-night quoted a passage from Chancellor Kent on this subject. So far as his authority goes, and it is a great authority, it is a conclusive passage. Now, the right hon. Gentleman is an authority; he is Secretary at War; he is a Cabinet Minister; he holds a very high office; he speaks for a great Government; he is a great writer and he is a great thinker. And I say, if there be one man in the world on whom we have a right to call upon on an occasion of this sort for such an exposition as shall uphold the morality of nations and the faith of treaties, he is exactly that man. Now, what does Wheaton, a distinguished writer on international law, say upon that question with which the right hon. Gentleman dealt—namely, as to what becomes of treaties in time of war? He says—

“There might be treaties of such a nature as to their object and import as that war would necessarily put an end to them; but where treaties contemplated a permanent arrangement of territory, or other national rights, or in their terms were meant to provide for the event of an intervening war, it would be against every principle of just interpretation to hold them extinguished by war.”

And what does Dr. Phillimore, an authority which we can all appreciate in this country, say? He says—

“The general maxim [that war abrogates treaties between belligerents] must manifestly be subject to limitation in one case—namely, in the case of treaties which expressly provide for the contingency of the breaking-out of war between the contracting parties.”

But this case which we have before us is not the case of a treaty only. Because what was done, as I understand it, at Paris in 1856, was not to enter into an ordinary treaty, but was a general act of concurrence on the part of the civilized nations of the earth, for the purpose of establishing a new principle, and institut-

ing new laws which should be admitted and accepted in future times by all nations on this great question. And if you adopt the proposition of the hon. Member for Liverpool, and agree with the States of Europe and the States of America to carry it out, you would not have what we ordinarily call a treaty, but an agreement, which, if the right hon. Gentleman the Secretary at War, or the Government to which he belongs, ever attempted to break, it would call down upon him and them the condemnation of every intelligent man in every country of the globe. The right hon. Gentleman, I thought, at the time he addressed us, was speaking on one side of the question under great disadvantages, and I could not help coming to the conclusion, that if he had risen to support the proposition of the hon. Member for Liverpool, he would have made a speech more comprehensive, more consecutive, and much more unanswerable, than that which he did make. One point more, and I will not detain the House. I said in the beginning of my observations that great changes had taken place in the world in the period between 1815 and 1854. My hon. Friend the Member for Sunderland (Mr. Lindsay) adverted to this, and the hon. Member for Salford (Mr. Massey) did also, in some degree. The tonnage of the United Kingdom, in and out, in the year 1814, was 3,500,000. For the last seven or eight years it has been upwards of 12,000,000—I think approaching 13,000,000 of tons. The exports, which were then some £40,000,000, and the imports about the same, have now risen to £120,000,000. Now, I ask the House what was the effect upon the mercantile navy of this country during the short war with the United States of America from 1812 to 1814? I have looked at a book in the library, which is published by an American whose name I forget, which purports to be a history of American privateering during that war; and I have seen also other statements which bring me to the same conclusion—that in that very short war—not extending over more than two years—the American privateers captured not fewer than 2,500 English ships of all sizes; and I have heard stated on American authority that those ships so captured were sold for the enormous sum of 107,000,000 dollars, or more than £21,000,000 sterling. If you can imagine the loss to the shipping interest of the country during that war, when our

tonnage was only 3,500,000, what would be our loss, supposing the old system were to prevail, if we had a war now with our tonnage amounting to 13,000,000 tons, and with the United States mercantile marine increased far more in that time than our marine has increased? I say that the devastation that would be caused would be something quite enormous. We could scarcely conceive of a case in which it would be worth while to sustain such a loss. I ask the House, then, this question—if this change which was made in 1856 was possible, and if it now cannot be recalled, does the House, does the noble Lord, believe that for any long time it will be possible to resist the proposition of the hon. Member for Liverpool? I hope it may be possible for a hundred years to come; because, as long as there is neither war nor rumour of war, of course the calamities it points out will not happen. But if strong rumours of war should arise, and war itself inevitably occur, then the consequences which he describes will come about, and then the noble Lord or his successors will find the greatest possible pressure put upon him, either to abolish that which had been done in Paris in 1856, and which, I believe, cannot be recalled, or to do that which the hon. Member for Liverpool asks shall be done now. I think the House, or certain Members of the House, in considering this question, do not sufficiently take into consideration the total revolution, both in war and in commerce, all over the world, which has taken place during the last fifty years. Our commerce is so extensive and so wide, and our force so mighty—I will say so omnipotent—that it is utterly impossible that the ancient theories and the ancient policy of war can any longer be maintained. Besides, let us consider what is apparently sometimes forgotten, that war is not the one grand object and purpose of man; and that preparation for war is not the one grand object for which Parliaments are elected. I know a distinguished American historian, the author of the *History of the Rise of the Dutch Republic*, in speaking of one of his characters, Charles the Bold, says of him, that he was a man in whose eyes nothing was sacred but war, and the way to make it. Now, we profess to be a Parliament of an enlightened age, and the Parliament of a Christian country, and I think we should have other objects. If a man looks only at the chances of war, fills his eye and his mind with them, be-

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lieves that war is the normal condition of the world, he will be greatly misled with regard to all those questions which affect the industry of the country. Now, I am of opinion that war, notwithstanding the enormous armaments which are being kept up by the nations of Europe, is constantly becoming more difficult, and any continuous war more remote; and I look forward to the time—seeing the changes which are now taking place in the political condition of Europe and in the commercial condition of the whole world—when the commercial interests of mankind will assert the superiority to which they have a right over those tendencies to war which in time past, and even now sometimes, act too strongly on the minds of statesmen and rulers. In my eyes, even now the victories of peace have begun; the great men of our age are not your warriors, they are not even your statesmen; the great men of the country are your engineers—those who make the great industry of the people; and the great industry before long, you may depend upon it, will triumph over much which has been thought great and necessary in past times. I think we are looking from the darkness into the dawn, and that this Motion which the hon. Gentleman the Member for Liverpool offers to the House is one that will recommend itself widely to all the industry of the nation—to every manufacturer, to every merchant, and to every shipowner in this country. I do not ask him now—in fact, if I might express an opinion upon the subject, I would advise him not to ask the House, when the question is comparatively new to it—to come to any absolute opinion upon it. His Motion was not brought forward with a view to embarrass or to be hostile in any degree to the Government. It was intended to afford to Parliament a fair opportunity for discussion. That discussion has taken place; and I am bound to say this subject has been treated with various ability on both sides of the House, and I may add with great fairness and candour—notwithstanding the declaration of the noble Lord at the head of the Government, who, I think, will see from the tone of the debate that he was rather precipitate in the expression of his opinion; and I should not be at all surprised if before very long we have a unanimous Cabinet, willing, if foreign nations are willing—and I have the best means of knowing that other Governments are willing—to carry this matter still further. ["Oh!"] Some



hon. Members seem to entertain objections on that score. There is no doubt of the willingness of the United States ; I have no doubt of the willingness of Russia ; and I believe there is no doubt of the willingness of France. Whenever the people of this country shall have made up their minds on this question, and Parliament shall be disposed to enable the Government to act, I believe they will find no difficulty in any foreign country. Now, I will only say with regard to this matter, that I may be pointed at—as I have been pointed at a thousand times—as a friend of peace. I would rather be a friend of peace, in the humblest rank and position of life, than a friend of war in the highest. And I say, if this House shall now or at any future period accept fairly and frankly the proposition of the hon. Member for Liverpool, it will confer upon the people a great advantage, and upon itself an endless renown.

THE SOLICITOR GENERAL: Sir, I entirely agree with the proposition of the hon. Gentleman who has just sat down, that this debate has been conducted with great fairness and candour ; and the speech of the hon. Gentleman is certainly no exception to the general tone of the debate. It has not only been conducted with fairness, but with ability. None, I think, can disguise from themselves the very great importance of the subject under discussion, or the fact that in any point of view it is attended with very serious difficulties. My hon. Friend the Member for Stamford (Sir S. Northcote) made an able speech, strongly in favour, as I thought, of the proposition of the hon. Member for Liverpool ; but at the same time he showed his sense of the difficulties attendant on the subject when he stated, that notwithstanding all the arguments which he offered to the House, he not only was not able to bring his mind to vote in favour of the proposition, but that he could not accept the proposition himself till he had mastered the difficulties and foreseen the consequences which it involved. Now, after listening carefully to the whole of this debate, it appears to me that the arguments of the supporters of the Motion have been founded almost entirely on the Declaration of Paris. Two arguments are drawn from that Declaration. In the first place, it is said that there are no reasons in favour of the propositions there laid down which do not equally apply in favour of the present proposition of the hon. Member for Liverpool : and the other

argument is, that the effect of the Declaration of Paris will be to transfer a large portion of the carrying trade of this country in time of war to neutrals, and to inflict serious injury on our shipping trade and on our mercantile interests generally. I will endeavour to present the considerations which occur to me, bearing in mind those two points, which embody the sum and substance of almost all that has been said. The first of those arguments it is not difficult to dispose of. It is easy to show that there were reasons, clear and solid, for that portion of the Declaration of Paris as to giving up the right to take enemies' goods out of neutral ships, which will not, in any degree, apply in favour of the proposition to allow enemies' goods on board enemies' ships, or enemies' ships themselves, to go free. Neutrals are in a position which, on grounds not only of common justice but of the mutual interests of belligerents, entitles them to great consideration. The annoyance and disturbance of neutrals by visiting and searching their ships, by interference with their trade, by taking violently away from their ships goods which they have legally and justifiably admitted on board,—all these are acts in the highest degree injurious to persons who have the strongest claim on the consideration of nations in amity with them, though at enmity with each other, and at the same time tend to involve those nations in war with neutrals ; and to draw neutrals, however unwilling, into the contest. Thus there were various reasons why, if it were possible to do so without sacrificing interests of too great importance, concessions ought to be made to neutrals ; many of the most important nations of Europe, as well as the United States of America, having, in fact, long previously made treaties containing similar concessions. But it will be seen that these reasons do not in any way operate in favour of making the same concessions to belligerents as to neutrals. The other branch of the argument is much more important, and involves considerations of much greater difficulty—I mean the tendency that it is assumed there would be in time of war to transfer a great part of the carrying trade to the ships of neutrals, to the great detriment of our own merchants. In matters of this kind it must never be forgotten that Governments and nations have to deal with a balance of evils and inconveniences. You

must consider, not only one, but both sides of the question; and, if you see that most important and detrimental consequences may follow from the change, it is necessary to submit even to very considerable and serious evils rather than to imperil the great and permanent interests of the nation. We have heard from several hon. Gentlemen, ably and forcibly stated, the particular evils which it is supposed will arise from the operation of the Declaration of Paris in favour of neutrals. I hope and believe those evils are greatly exaggerated; but before I state the reasons which induce me to entertain that hope, the House will permit me to put before it the other side of the question, and consider what are the evils that may arise from the adoption of the principle recommended by the hon. Member for Liverpool. Now, it has been said more than once in the course of this debate that it is of no use to refer to the old-established law of nations, for that we have introduced a new principle by the Declaration of Paris. But that, Sir, I deny. We gave up certain belligerent rights on which we might have insisted, but we have introduced no new principle. But this Motion does ask us to give up principles hitherto of cardinal and fundamental importance in the law of nations. If there be any principle of the law of nations more cardinal than another, it is that in war Governments are identified with their people—that you cannot make war upon the Government and have peace with their people—that the people are bound up with the Government and the public interests of the nation for better or worse. All the great writers on the subject have laid down that principle—they have said that the property of the individual, as part of the property of the nation, is responsible for the liabilities of the nation in a question with the foreign belligerent; that the nation and the individuals that compose it are one and the same, and no distinction is to be made between the aggregate and the individuals. Our whole system of war, all our doctrine of reprisals, is built on that principle—it is on that that the right of maritime capture rests; on that rests the disability of subjects to the two belligerents to carry on trade with each other, or to maintain actions, or to join in contracts—a principle as to which Mr. Justice Story, a great American authority, has said—

“No principle of national or municipal law is better settled, than that all contracts with an

enemy, made during war are utterly void. This principle has grown hoary under the reverend respect of centuries, and cannot now be shaken without uprooting the very foundations of national law.”

This is not an arbitrary principle. I venture to say this principle involves in itself the very highest and most momentous considerations—the interests of patriotism and the interests of peace. Sir, I dread to think what might be the effect of admitting the principle of a political war and a commercial peace, Governments at war and their subjects at peace, and carrying on their trade with each other. If anything could sap the patriotism of a nation I think it would be such a state of things. As far as I know, the earliest writer who ably advocated the principle of the hon. Member for Liverpool was the Abbé Mably, about the middle of last century, who said—

“The main difficulty to be anticipated would be that the unrestrained communications of merchants would, no doubt, offer facilities to the enemy; but it would be easy to provide against that. The police would manage all that. Merchants are the least patriotic class of men in all the world, and will only regard their own interests.”

Now, Sir, I hold that the merchants of England are not the least patriotic class of men in the world. I quite agree with the hon. Member for Birmingham on that point. The merchants of England have on many occasions shown their patriotism. But under what system was the patriotism of English merchants fostered and maintained? Was it under the system of political wars and commercial peace, or under a system that in war bound them up together with their Government, which made them fellow-sufferers in its reverses—partners in the common stake, and looking to its success as the source or return of their own prosperity? I venture to say that the patriotism of the mercantile class would be placed in some danger if in time of war their interests were separated from the general interests—if they were indemnified against the consequences of war—if they were deprived of their general interest in the maintenance of peace. What must be the effect on the interests of peace of this great principle of subjects and Governments being identified in time of war? I yield to no one in my love of peace. I echo the words that fell from the hon. Member for Birmingham on this subject; that, under any circumstances, he would rather be the humblest lover of peace than the most honoured advocate of war.

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Except when necessity and self-defence impose on a nation the duty of war, I agree with the hon. Gentleman that it is of all things the last to be advocated. But in the interests of peace, it is certainly necessary to be cautious how we sever the interest of the people at large from the policy of its Government in the matter of war. What is the greatest check we have against unjust and unnecessary wars? Is it not the burdens they impose? And if you endeavour to introduce a system which will enable you to carry on war without a great part of those burdens—which will leave trade undisturbed and make armies march through a country, in the language of the hon. Member for Salford (Mr. Massey), as a peaceful calvalcade—when enemies may come from France to England, and from England to France, pursuing their ordinary occupations during war in mutual good credit, loading cargoes and selling them, and, in fact, carrying on all the common operations of life as if nothing had happened—can you suppose that their interest would be the same as now in preventing war or in bringing about a restoration of peace? Even in this country—although I trust that, with the influence it has on its Government, unjust and unnecessary wars would, under any circumstances, receive a serious check—even in this country, I can conceive how much the interest of all classes of the people in the maintenance and preservation of peace would be diminished if this system were introduced. I should be sorry to say anything disrespectful of the shipowners; and I agree with the hon. Member for Birmingham that in this House at all events nothing has been said disrespectful of them. But if the shipowners should suffer—and I should much regret if they did—by the present state of the law, they certainly would not have an increased interest in the maintenance of peace if the system of political war and commercial peace were introduced. They would have the double advantage of high war freights, arising from the demands of the transport service and commissariat, as they had during the Crimean war, and at the same time the ordinary fruits and advantages of peace. I do not believe the shipowners are an unpatriotic class, but I certainly would not throw such temptations in their way, and diminish the inducements they now have to range themselves on the side of the maintenance of peace. If such be

the state of things in our own country, what would be the system in other countries, where the Governments are more arbitrary and more disposed to wars of aggression and military ambition? What is now the strongest check to such a system? It is the suffering that must thereby be entailed on their own people, and the fear that they will not endure it. But if you make that burden light and easy to the people, do you not think you would be giving very great facilities to the schemes of ambition and desire of aggrandisement entertained by those Powers? The people would become less vigilant. Even the sinews of war on which Princes must depend would be more easily supplied by the continuance of trade. All these considerations materially bear on the subject. And then we must remember that it is in the power of any Government, on occasions allowing it to be done consistently with the public welfare, to relax the severity and strictness of the rules of war—just as was done in the instance referred to of the Russian war; and now that privateering is abolished, and maritime warfare placed entirely under the control of the Government, any excesses will be more easily restrained. But then it is said that all now asked is to reduce maritime war to the same position into which the progress of civilization has brought military war. That is a total mistake. What is now asked is that this country and other countries should enter into positive engagements to renounce the power of exercising belligerent rights against merchant ships at sea. Does anything like that exist in warfare upon land? The observations of my right hon. Friend the Secretary for War and the Lord Advocate have been misunderstood. They did not say, as I understood, that the humane practice of modern times had not in a great degree mitigated the severities of war; but they said that the law of nations recognises those rights, gives those powers, does not debar from the use of them, and that it is an admitted principle that while humanity abhors any excess in the use of them beyond the necessity of war, yet, on the other hand, even acts from which humanity recoils may, without infraction of international law, be done, if the necessities of war seem to require them. There is all the difference in the world between powers of an indefinite and undefined character which are not exercised to extremity in the ordinary practice of nations, but which

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there is an abstract right to use if emergency requires, and what is now proposed, the total abnegation and absolute renunciation by engagement and treaty of all such powers with respect to the whole field of maritime warfare. But, indeed, the case has been very much exaggerated with respect to the mitigation which land warfare has actually received. It is perfectly true that such warfare has received great mitigation; but that has taken place as much under the influence of considerations of interest on the part of armies and of the nations which send them forth as from any considerations of humanity—because we know very well that the best way for an army to maintain itself in the field is to be on good terms with the people of the country which it is occupying. The commissariat could not get supplies if everything were done in the way which the hon. Member for Salford suggested would be the result of applying the principles of marine warfare to operations on land. If you always burned, sacked, and destroyed, of course armies would starve, and the operations of war could not be carried on. Reasons of expediency and practical necessity, therefore, have dictated very considerable modifications of the strict and extreme rights which the law of nations vests in armies in the field. But, after all, is there not enough of horror left? Is there not that from which humanity recoils? Can any one imagine this or any other country in which he feels an interest in the position of an invaded country, and not see what a frightful calamity to all private as well as to all public interests that would be? Let us not therefore suppose that private affairs are not involved in military warfare as well as in warfare at sea. Now, what is the tendency of this proposition? It is this—maritime warfare is to be deprived of half its present objects, and of half its present scope and field. It is necessary to bear in mind what are the objects and what is the scope and field of maritime warfare. They are, as I believe, to acquire the dominion of the sea, and to expel the enemy's marine from the sea. These are the objects, that is the system, upon which maritime warfare has been carried on. As in warfare by land you endeavour to conquer the country and to obtain possession of the seat of Government; so on the sea, which is no man's territory, you endeavour to acquire the supremacy, and to drive off it the fleets and the navies,

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both mercantile and warlike, of the enemy. Can any one say that this has no tendency to cripple the enemy, to reduce his power, to bring him to terms, to accomplish the objects of the war and to produce a peace? That, in truth, is the great value of naval superiority; and what would be the effect upon the comparative and relative strength of naval and military Powers if you were to take away from naval Powers the greatest portion of their present means of offence? I heard the picture which my hon. Friend the Member for Stamford drew. He said that there would be plenty for your ships of war to do; in the Russian war how useful they were in taking troops to the Crimea. But all wars will not take place under the conditions of the Russian war, when you were dealing with a Power which had no marine at sea, and when all the great Powers of Europe were combined against it. No wonder that we were able to carry on that war, as far as the sea was concerned, very much in our own way; but we cannot make that a rule. What does my hon. Friend say would be the result of the policy which he recommends? "We should blockade in their ports the armed vessels of the enemy." I observed that my hon. Friend expressed himself in terms which did not commit him to the practice of a commercial blockade. "We should blockade in their ports the armed vessels of the enemy, and we should defend our own coasts." Well, that would manifestly be reducing the efficacy of a naval Power to very narrow limits indeed. Keeping the enemy's ships in their ports, if they stayed in, would be a sort of stale mate. They would not suffer any great harm, especially if it was confined to a blockade of naval arsenals; and if we only defended our own coasts, we should not make much progress in the carrying on of offensive operations. But there is another point which I must not pass over. My hon. Friend spoke very justly and truly of the great political importance of a mercantile marine. He said, or, at least, I so interpreted what he said, that between the naval power of a nation and its mercantile marine there is the most intimate and inseparable connection. The mercantile marine is the nursery of seamen, and he might have added that the mercantile marine is available for even the more direct and immediate purposes of war. We have heard of the facility with which the declaration against privateering might possibly be evaded. You might buy up and arm power-



ful merchant ships. Well, then, if you allow your enemy to accumulate upon the ocean a great fleet of large and powerful merchant ships, which may upon emergency, be armed and turned into more or less available ships of offence, are you not placing yourself in a position which even for the direct purposes of naval warfare may afterwards be most prejudicial to you? Merchant ships may and will be used as transports for the conveyance of soldiers; and if an invasion were contemplated, of course that class of vessels would be in the highest degree serviceable. It is impossible, therefore, not to see that if you permitted a hostile maritime Power to accumulate a great fleet of mercantile vessels, they might, even for direct purposes of warfare, be turned against you with the most important results. But it is not only that they could be applied to the direct purposes of naval warfare. There is also this consideration—that the different branches of a maritime system are so identified that you cannot draw the line between one and the other; that in any country where there is not an important mercantile marine, and power to recruit and keep it up, the armed marine will not be what it is where you have such a basis. For all these reasons, I think it cannot be denied that the power of a maritime nation would be crippled and impaired in a most serious degree if she were deprived of the means of dealing upon the seas with the mercantile marine of other nations. Now I come to the point of blockade, which was so tenderly touched upon by my hon. Friend the Member for Stamford. The hon. Member for Liverpool said that he would not interfere with blockade, and the hon. Member for Salford and another hon. Member behind me said the same. It would, however, be very difficult—I do not say that it would be impossible, but it would be very difficult—on the principles upon which this proposition is based, to draw a clear and satisfactory line so as to save the right of blockade. I mean the general right of blockade—the right to blockade commercial ports. Because what is it you do by blockading commercial ports? You are obstructing trade, you are interfering with private interests, you are destroying the business of great numbers of persons who trade with those ports, and of the inhabitants of those ports, as far as concerns their intercourse with foreign nations. Is not

that the very thing which you do on the seas when you make war against a mercantile marine? Is not, in truth, the one operation—that is, maritime war carried on against a mercantile marine, a larger operation of the same kind as a commercial blockade? In the case of blockade you deal locally with the trade of the enemy, and you seek to distress and cripple him by those means. On the seas at large you deal generally with the trade of the enemy, and you seek to cripple him and reduce him there by destroying his mercantile power. But besides that, I foresee that as soon as ever you have established this principle, if it should be established, there will spring up an argument against blockades, of this kind:—What can be the use of blockades when your enemy's ships have nothing to do but to go to any neutral port, and when, if they put into the Scheldt or Elbe, or some port of Prussia, the railroads will carry the goods across neutral countries much more easily than ships could convey them? It would be a most idle thing to blockade the ports of France, and seek to shut out trade from them, if French ships could go to the ports of friendly neutral nations and carry on their trade unmolested even with England from those ports. Every one would see that this would be absurd, and the consequence would be that the right of blockade as to commercial ports would be given up. We know indeed that some of the ablest advocates of this change look in the face that consequence, and do not shrink from it. An able gentleman writing in the *Edinburgh Review* has already advocated this result, and I think I see in a pamphlet written by a friend of mine not a Member of this House, in which the views of the hon. Member for Liverpool are supported with extreme ability and with great candour and fairness, unequivocal signs of a disposition eventually to draw blockades after these other maritime rights. I think, also, that the tone of the hon. Member for Stamford would justify me in saying that he, at all events, feels the force of that part of the argument. These are very important considerations. I do not, of course, pretend to be a judge, as those around me are, of all the political bearings of this subject, still less of all its military and naval bearings; but this I or any other man can understand, that a more momentous question, or one involving to a greater extent the interests of the future of this country, never

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was discussed, never was proposed, in this House; and that, whatever aspirations after an advanced civilization and an almost universal peace any of us may have entertained in our hearts, or expressed in moments when our hearts came to our lips, it would ill become the Government to shrink from telling the House, if so they think, that when they agreed to the Declaration of Paris they did not contemplate these consequences, and that unless they are better satisfied than they are now that they can be encountered without danger and risk to the maritime supremacy of the country, they will not undertake to recommend them. The question of the effect of the Declaration of Paris upon the carrying trade as between us and neutrals is, no doubt, extremely important. I did not understand my right hon. Friend the Lord Advocate to go the length which some have attributed to him. I did not understand him to say that he admitted that all the carrying trade would, as a matter of course, go into the hands of neutrals. Even in the Liverpool petition I do not find such an assertion as that. The petitioners use more guarded and more modified language. They speak only of a considerable part of the trade being likely to find its way into neutral hands. I have no doubt that to some extent that would be the case, and no doubt it would be an evil so far as it goes. But in these cases we must encounter evils. We cannot possibly expect to accomplish the objects of war without suffering serious evils; and I am far from sure, for the reasons which I have advanced, that it would be for the true interests of peace or civilization if we could. But I think that there are many considerations which would lead us to be somewhat more doubtful, and not to expect such absolute ruin to the shipping interest as these gentlemen seem to anticipate. In the first place, if all the trade of belligerents at sea has a great tendency to rush into the hands of neutrals, it is quite manifest that the freights of neutral ships would greatly rise, and that would serve in some measure at least, to counterbalance the great expense consequent on the war rate of insurance. If our merchant ships might have some tendency to get into the hands of neutral owners, really or ostensibly, in time of war, the same natural causes would have a tendency to bring them back again, and restore the equilibrium, on the return of peace. Then with regard to convoy, I

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cannot see why, because of the introduction of steam navigation, convoy should not be as effectual as it was in former times. On the contrary, if privateering is abolished, I should say that that abolition would make it more easy than it previously was effectually to convoy merchants ships. We are told by the hon. Member for Sunderland (Mr. Lindsay) that, since the Peace of 1815, there has been a most enormous increase of our trade, our shipping, and our commerce; and this is an argument quite independent of the Declaration of Paris. The effect of what my hon. Friend said was, that you could not possibly defend that increased trade if you went to war with any great Power. That, at all events, would be a consequence not of the Declaration of Paris, but of our own prosperity and greatness; and I, for one, do not believe that because we have become greater and richer in resources, therefore we should hereafter be found less able to defend ourselves than heretofore. Sir, these prophecies of evil have many times been brought forward against this country. Nor is it a new thing to hear all that we have heard in this discussion as to the evils of this system of maritime warfare operating against us. The Abbé Mably—to whom I have already referred—argued, a hundred years ago, as we have had it argued here, that England of all countries in the world has the greatest interest in getting rid of the system of maritime warfare against merchant ships. He alludes to the war of 1688, and states that we lost 4,200 merchant vessels and above thirty millions of pounds' worth of property, while France could not have lost half as much, she not presenting so great a front to such operations of warfare. He also says that when England took Spanish ships in the war of the Spanish Succession she was destroying the property of her own merchants, who were interested in the trade with Spain; that it was the same in the war of 1756; and that there was not a case of a French ship being taken in which the loss did not recoil on the London insurance offices. Well, but we have survived all that; the patriotism of our merchants and our people bore us through it; our prosperity remained and increased, as I hope it will remain and increase still. My hon. Friend the Member for Stamford asked upon what we rely? I rely, Sir, on the patriotism of the nation, on the resources of the country, and on that elasticity which England has always shown in times of



prosperity and adversity. I do not believe that the spirit of our people would desert them—I do not believe that our means of defence would be found wanting. If we began with a naval superiority, I believe that we should maintain it; and I should trust to that superiority being as likely to prove sufficient to defend our merchant ships as it was in former days. As to the Declaration of Paris, I agree, that we are not likely to go back from it. It can hardly have been supposed that my right hon. Friend the Secretary for War meant for a moment that we should think of receding from it. My right hon. Friend referred to quite a different thing. He said, what is undoubtedly true, that the effect of war as a general rule and ordinarily is to dissolve treaties between belligerent nations; and that even in the case of treaties made in contemplation of war, which, he said, they were in honour bound to observe—and I trust that we shall always observe that which binds us in honour—still, when war, the *ultima ratio* of States, takes place, there is no further sanction which can compel them to respect these declarations and treaties. And he was, I think, quite justified in the inference which he drew from that argument—not that we should violate any of the declarations we have made, or depart from any treaty to which we have been parties, but that any engagements of this sort were of the most treacherous and perilous kind—that we, adhering to them in honour and good faith, would have no security that, when temptation came upon our adversaries, acting perhaps in combination against us, and thinking that they would be better able to meet us, they would not, upon some one or other of those thousands of excuses which the circumstances of war always present, turn round and say, “Because you have done this, or because you have done that, we hold ourselves no longer bound by that declaration or this engagement, and we shall revert to the original, recognised rules of international law.” Sir, stranger things than that have been done before now. I hold in my hand one of the few treaties of this kind that have ever been made—the Treaty of Commerce and Navigation between His Britannic Majesty and the French King signed at Versailles on the 26th of September, 1786. What is the second article of that treaty? It is this—

“For the future security of commerce and friendship between the subjects of their said Ma-

jesties, and to the end that this good correspondence may be preserved from all interruption and disturbance, it is concluded and agreed that if at any time there should arise any misunderstanding, breach of friendship, or rupture between the Crowns of their Majesties, which God forbid! the subjects of each of the two parties residing in the dominions of the other shall have the privilege of remaining and continuing their trade therein, without any manner of disturbance, so long as they behave peaceably and commit no offence against the laws and ordinances; and in case their conduct should render them suspected, and the respective Governments should be obliged to order them to remove, the term of twelve months shall be allowed them for that purpose, in order that they may remove, with their effects and property, whether intrusted to individuals or to the State.”

That treaty was broken on the very first opportunity. That article was broken in the very points specially provided for. Not only were our subjects not allowed to remain and trade in France, but they were not allowed even to have the twelve months’ notice to remove with their property which had been stipulated for. And this was itself one of the grievances against France for which we exacted compensation when the peace was made in 1815. That is not an example that we should imitate, but a warning to us not to trust too much in such engagements which it may be convenient for other countries, when we are more powerful than they are at sea, to obtain from us, but which it may not be convenient for them to observe, if hereafter they should think that their power predominates over ours. And the House must remember that whatever may be the weight of the moral sentiment and public opinion of nations—and, certainly, I am not the man to undervalue either—yet plausible excuses are never wanting when such acts are to be done. Sir, the first Armed Neutrality is another illustration. The Powers who were parties to that Armed Neutrality broke all its engagements in a very few years after it was made. What is the conclusion that I draw from these considerations? That the Government to whom is intrusted the care of the most momentous interests of the greatest empire ever yet known on earth must, in a case in which those interests may be placed in peril, act with the greatest possible caution, and not be afraid of incurring those calamities which are inevitable in time of war, which we have often endured before, and which the patriotism of our people has enabled us to endure—that they should not shrink from encountering them again in any necessary

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war, or for the sake of avoiding them expose this country to any risk whatever of the loss of its greatness and power. Before I sit down I will mention another circumstance from which I derive encouragement in this matter. Very lately we were threatened with the danger of war—of a war with a Power not bound by the Declaration of Paris, and which would, therefore, have been at liberty to exert its undiminished rights against our commerce; while with respect to all the nations of Europe which were parties to that declaration we should have been strictly bound by its engagements. Was there, then, among the merchants of this country any flinching from that emergency? Did the people of England look that danger in the face as if they were afraid of ruin? No—neither from Liverpool, nor Manchester, nor any other part of the kingdom, did any such timid accents proceed. We were most desirous of peace, but not because we were afraid of war. We rejoiced that peace was preserved, but it was because we were bound to those with whom we should have had to go to war by ties which were precious to us, and which we should have been most unwilling to sever. But we did not perceive, nor do I think this House perceived, from one end of the kingdom to the other, the least sign of any craven apprehension that the moment we entered into the contest, with the Declaration of Paris round our necks, our power would be gone and our mercantile marine destroyed. I believe the merchants of this country, who knew best what was the prospect before them, looked it in the face with no less bravery than that which distinguished their forefathers in all former times; and I gather from that fact encouragement for the conviction, that I am not wrong in placing faith now, as much as heretofore, and with the Paris Declaration in force as much as before it was in force, in the patriotism, the resources, and the elasticity of this country.

MR. WALPOLE: Sir, I own I feel—in common, I believe, with the rest of the House—that a very large portion of the argument of my hon. and learned Friend the Solicitor General is conclusive on the topics which have been brought before us. But remember that the question is plainly divisible into two parts; and as to one of those parts, the reasoning of my hon. and learned Friend has so exhausted the subject that I do not pretend to touch upon it. I mean that portion of the subject which, ac-

*The Solicitor General*

cording to the view of the hon. Member for Birmingham (Mr. Bright), looks upon the Declaration of Paris as logically leading to the conclusion that all private property must be respected at sea in times of war, even private property in belligerent vessels. As to the other portion of the argument, which dealt with the Declaration of Paris—that Declaration which I regret so much has never been discussed and considered in this House until now—I must think that the reasoning of my hon. and learned Friend is neither so conclusive nor so satisfactory as it ought to be. Still it ought to induce us to look in the face of the question, whether we can stand upon the present position of the law and of treaties in regard to the Declaration of Paris. That Declaration was entered into under circumstances which ought to render us very careful how we lay down abstract principles which are not sanctioned by Parliament. Any one who refers to the Declaration of Paris will see that it was originally suggested by Count Walewski and was adopted by Lord Clarendon with the intention, and upon the supposition, that it was to be a uniform doctrine, and to be binding on all nations. The Declaration recites that considerable inconvenience arose from the existing state of the law, and that fixed and uniform principles ought to be established, which should be recognised by all the Powers. The condition upon which Lord Clarendon assented to the Declaration, and which ought to have been fulfilled before it was carried into effect, was that privateering was to be abolished by all other important maritime nations. But what has happened since then? It is a lesson to us that when we are unsettling the well-understood principles and maxims of international law we ought never to attempt by treaties to alter that law *in toto* unless we have the consent of all the other Powers concerned in the alteration. Had we done that on the occasion of the Treaty of Paris our case would now have been clear; not having done that, we have given up almost everything for which we have so long contended as a nation, while the stipulation upon which our concession rested has not been fulfilled. My hon. Friend (Sir Stafford Northcote) and those who have followed him have shown the extreme inconvenience of entering into a Declaration of this kind, which was not to be binding on all parties. We are now for the first time in the position of neutrals instead of



belligerents ; but let not that lead us away from those wise maxims of international jurisprudence which have been adopted, not for particular purposes, but for the guidance of all nations in the event of war. In a recent discussion on the blockade, neutral arguments were pushed to the extreme, because we happened to be in the position of neutrals. We are now discussing whether an enemy's goods are to be free or not under a neutral flag. We have had two wars—one in Italy and the other in the United States—in which we have been neutrals. In the case of the United States we have seen the consequences of laying undue stress on neutrality. We have abundant evidence to show, that when we entered into the Declaration of Paris without the concurrence of the United States, we put our merchants into a position which they ought not have been compelled to occupy, and have deprived them of that to which they are entitled. Although we had the finest ships in the Chinese seas, the mere apprehension of a war deprived them of the trade to which they were entitled, and transferred it to the United States, because they were not likely to be engaged in hostilities. The Secretary for War very justly observed that in the event of a war between any two parties to the Declaration those treaties would, in all probability, be set at nought ; and my hon. and learned Friend the Solicitor General also pointed out what would happen if war occurred between a State such as England, which was a party to the Declaration, and one such as the United States, which was not. In such a case we should be bound hand and foot. We should not be able even to remonstrate with the United States, if they continued the system of privateering. Can such a state of things be endured without attempting to put the subject on a more satisfactory footing ? I should like to hear some more cogent arguments from the Government—not with regard to the proposal of my hon. Friend the Member for Liverpool, on which I quite agree with the Solicitor General—but with regard to the Declaration of Paris, which it would seem is to remain binding on some nations and not on others. My hon. and learned Friend has clearly shown that treaties are good for nothing unless all the parties concerned are willing to be bound. We all know two cases of Armed Neutrality in which almost every nation which had a navy engaged to adhere to the prin-

ciples of the Declaration of Paris, and who, when war broke out, one after another receded from the declarations they had made. Is it, then, safe or wise for us to be parties to a Declaration one of the provisions of which is an abandonment of an essential safeguard to the maritime supremacy of England, which ought never to be surrendered ? All the arguments of my hon. and learned Friend against allowing private property to be free from capture on the seas are, as far as they go, equally strong against giving up our power of injuring an enemy by capturing his goods wherever we find them on the open sea. The arguments of the Solicitor General, as to the inexpediency of having political war and commercial peace bound up in the same treaty, apply, to a certain extent, to the freedom of the enemy's goods from seizure. What justification is there for going as far as the hon. Member for Liverpool proposes ? The hon. Member for Birmingham told us that the legitimate consequence of the Declaration of Paris is that private property shall be pronounced free, even in belligerent ships. My hon. and learned Friend the Solicitor General, with an ingenuity and force which I cannot but admire, very justly remarked, that if we carry the principle so far, the same logic will lead to the abolition of commercial blockades. But what is the private property which my hon. Friend wishes to be free ? Is any property in charge of a merchant to be carried freely into any port although really belonging to an enemy ? Is property to be free which consists, not of manufactured contraband, but of the raw materials of warlike stores ? Where is the line to be drawn ? If the logical consequences of the Declaration lead to such results, should we not consider whether we must adhere to it ? I suppose, however, we must. All we can do is to protest against it. I do not assent to the conclusions to which the hon. Members for Liverpool and Birmingham say that this Declaration will lead ; but the conclusion I draw is, that from the increased danger to which you have exposed the country by allowing this Declaration ever to be made, it is impossible for this House to get out of the difficulty. This House is not, and ought not to be, the Executive Government. But when the Government have had it pointed out that most prejudicial consequences will happen if that Declaration of Paris cannot be altered and improved—when they have had

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it pointed out that it will lead to consequences that they condemn—I trust means will be found to see whether better provisions cannot be inserted as a supplement to that treaty. It is true that your mercantile marine is greater than that of any other country in the world; but that can be no reason why you should fail to provide better protection for it than that which you have under the Declaration of Paris; and your aim should be to give the utmost efficiency of action both to the commercial and naval force. We ought to rely on our naval supremacy as the surest safeguard of our commerce; and if we abandon that, we cut off one arm while we leave all other Powers with their arms free. Even at the most desponding period—no, I will not use that word, for it can never be applied to any period of our history—but even at a time when this country fared the worst, when we were surrounded with everything that could alarm us—I allude to that period when the Armed Neutrality of 1801 existed—when dangers of every kind were accumulating around us, you had Ministers that repelled every suggestion which was calculated to weaken our maritime supremacy. The hon. Member for Salford (Mr. Massey) has reminded us, with something like ridicule, of two of the greatest statesmen that ever lived—Mr. Pitt and Mr. Fox—who, he said, concurred in one thing—that, under the gravest circumstances, they would never surrender one of the maritime rights for which we had ever contended. He has told you of the conduct of Lord Grenville under similar circumstances. Now, nobody can read that noble Lord's letters without seeing that even at the time when the greatest dangers were gathering round us, there was one man, at all events, ready, at any sacrifice, to maintain the supremacy of England. Let me remind the House how this country was situated at that time. Our natural enemies, Spain and France, were at war with us. Our natural friends, Russia and Sweden, were not our friends then, for they had joined in an Armed Neutrality against us. There was even a famine staring the country in the face. Nevertheless, it was under all those circumstances that Mr. Fox, Mr. Pitt, and Lord Grenville, whose example the hon. Member for Salford said this Government would not follow, said that they would never give up that right which England had always possessed and exercised—that of her supremacy upon the

*Mr. Walpole*

seas. Mr. Pitt, in language still more powerful than that used by Lord Grenville, told the House, in the face of a powerful Opposition, that it was true their burdens might have increased, but their resources had increased in proportion; that although he was a friend of peace, yet in regard to this question—the principle of a neutral flag covering the enemy's cargo—sooner than give it up he would wind that flag around his body and find his glory in the grave. This was the way the statesmen of that day met the question; not with the inhuman desire of crippling the resources of any foreign country, not to obtain any special triumph of this country, but because they knew that the strength of our right arm and our power as a great and independent nation rested upon the maintenance of this principle. I heard it said by the hon. Member for Birmingham, and the noble Lord opposite, that all their desire was to assimilate the operations by sea to the operations by land—that the same law should apply to both. The Solicitor General answered, I think, that portion of the hon. Member's speech conclusively. But when you talk of such assimilation, let me point out the distinction between the two cases. When you carry out military operations by land, you take all the possessions of the enemy—their country, their forts and harbours—that come within your reach; you have them all in your power, and you may retain those possessions until you are enabled to enforce terms of peace. But the case is different in a war at sea. Unless you take the enemy's goods, you can do nothing; you cannot cripple his resources in any way, even though you may have the most powerful navy. You may see the merchandise of the world floating before you, which you know is but increasing the resources of the enemy. Nevertheless, if acting upon the principles of the Declaration of Paris, you will not direct your energies towards obtaining possession of those goods, you will be taking a course which will seriously endanger the supremacy of England. Now, my object in rising is to elicit some declaration of opinion from the noble Viscount that this one-sided Declaration—one-sided as it regards two great maritime Powers—shall be, if possible, amended and placed upon a better footing. I wish to urge upon Her Majesty's Government, that whenever you seek to alter the law



between nations, you shall endeavour to make that law equally applicable to all—that if you are to maintain the Treaty of Paris, it must be upon the condition that all the other maritime Powers shall maintain it too. If you give up that Treaty, let it be done with the concurrence of all. Let there be but one international maritime law for all nations. It must not be divided or divisible. All must be bound by it. Whilst, then, there ought to exist but one law, under which all countries may exercise their powers by land as well as by sea humanely and justly, let it be framed in such a manner as will secure the end and object of all wars—the means of obtaining a righteous and a certain peace.

VISCOUNT PALMERSTON:—It is generally admitted that nothing can be more inconvenient than the proposal to, or the adoption by, this House of a general abstract Resolution; and I think the Resolution of the hon. Member and the debate which has followed amply illustrate the truth of that position. The hon. Member has proposed a Resolution excessively vague in its terms, which points to no specific object, and the meaning of which can only be collected from the speeches of those who have supported it in the course of the debate. If such a Resolution were passed, and the Government of the day were called upon to act upon it, they could only guess as to what course they would have to pursue; and they would have to do that by considering the arguments of the hon. Gentlemen who have taken part in the debate. Now, that would in general be a difficult matter; but I confess that in the present case, as the question has been treated, it would puzzle the most sagacious Government to know what course to pursue; because one half of those who have supported the Resolution, and the hon. Gentleman himself who moved it, have for their object to exempt private property at sea from capture; but the other half who concur in it have another object—to reverse the Declaration of Paris. Those are two objects totally different, indeed diametrically opposite, and between which the Government, if called upon to act, as they would be by the concluding passage of the Resolution, would be utterly at a loss as to which of the two courses the House of Commons wished them to adopt. I think that is of itself a sufficient reason why this Resolution should not be affirm-

ed by this House. If the House has decided upon the line of policy which it wishes to impose upon the Government, it ought to embody that line of policy in a Resolution in clear, precise, pointed, definite terms, and leaving the Government under no embarrassment as to the course which the House wishes them to pursue. Then the Government would have to choose whether it thought fit to adopt the Resolution or not; and if the Government thought it was against the interests of the country, the course any Government would have to take is so plain that it needs no explanation. I will deal, first, with the Declaration of Paris. It has been fully explained that the only new point, as far as we are concerned, in that Declaration was that which declared that an enemy's property should be free from capture in neutral bottoms. The other points in the Declaration, except the one about privateering, referred only to old-established practice. The Declaration as to blockades only recapitulated rules well known and long acted upon. My hon. Friend the member for Birmingham has, I think, very ably and very fully shown that it was a wise and politic measure on the part of the Government to adopt the principle that a neutral flag should cover enemy's goods. He has shown that it was the doctrine of every other maritime Power, and that if we had persisted in maintaining the opposite doctrine, and we had gone to war with any great maritime State, we should inevitably have run the risk of adding to that war a dispute with the other maritime Powers which would have led to another Armed Neutrality. There is a principle upon which, as it appears to me, this doctrine must stand. We have lately maintained, even at the risk of war, that a merchant ship at sea is a part of our territory, that that territory cannot be violated with impunity; and that, therefore, individuals cannot be taken out of a merchantman belonging to a neutral country. The same principle may be said to apply to goods as well as men; and if it be granted, as we do grant, that a belligerent has no right to take out of a neutral ship persons who are enemies, so also it follows that the neutral flag must always be respected, and in the case even of enemy's property on board, not being contraband of war, it ought not to be violated. But the ground upon which the Government assented to the Declaration of Paris was, as has been well stated by the hon. Member

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for Birmingham, that in the altered state of things and in the present relative positions of the great maritime Powers of the world, they felt that by persisting to maintain a doctrine which no other nation maintained, we should incur the risk of involving this country in hostilities with more than one Power if we came in conflict with any one Power. The right hon. Gentleman who has just resumed his seat (Mr. Walpole) said, that if we were involved in a war with the United States, the Declaration of Paris would place us in an embarrassing difficulty, because the United States had not agreed to them. Now one of the conditions of the Declaration of Paris was that they should apply only to the States which became parties to them; and therefore, inasmuch as the United States were not parties to the Declaration of Paris, they would not apply to any parties who engaged in war with the United States. But, with regard to the second article, which says that the flag shall cover the goods, that has always been the principle which the United States has maintained, and on which they have always acted; and therefore no difficulty arises between England and the United States upon that article. It requires no additional Declaration to bind them to an observance of that article, because that has always been their doctrine; and the fact that it was their doctrine led us to think that it was more prudent and wise to adopt it, in common with other parties, in the Declaration of Paris. Therefore I have no hesitation in saying that to go back to the parties who assembled at Paris—as has been suggested by some hon. Members who have spoken—and to ask them to rescind those resolutions, is a course which no Gentleman can seriously think the Government is likely to adopt; or that, if adopted, the Government is likely to get the other parties to agree to it. Then we come to the other subject—namely, the proposition which is made by the hon. Member for Liverpool, that we should agree that private property by sea shall be exempt from capture. It is said that it is a logical deduction from the Declaration of Paris. I deny that proposition. The Declaration of Paris related entirely to the relations between belligerents and neutrals. The proposition of the hon. Member relates to the relations of belligerents to each other. It is a matter totally distinct, resting on totally different grounds, and I cannot see any logical con-

nection between them. The hon. Member for Birmingham has been kind enough to attach some value to opinions which I expressed some years ago at Liverpool. The attention which he has been pleased to pay, and the weight which he has been pleased to give, to my opinion, induces me to hope that he will accord the same weight to the altered opinions which I now express. The passage quoted as having been part of what I said at Liverpool related to two matters. First of all, to the exemption of private property at sea from capture; and, secondly, to the assimilation of the principles of war at sea to the practice of war on land. I am perfectly ready to admit that I have entirely altered my opinion on the first point. Further reflection and deeper thinking have satisfied me that what at first sight is plausible—and I admit that it is plausible on the surface—is a dangerous doctrine; and I hope that the hon. Member will be kind enough to give weight to my second thoughts, and also come round to those second thoughts, which are proverbially the best. With regard to the assimilation of war by sea to the practice of war by land, I think that, as far as it was in the power of the Government by arrangement with other Powers, we have accomplished it. For what is the main difference between the practice of war by sea and by land? It is said that the practice of war by land is to respect private property. Why, really every gentleman who holds that doctrine must forget everything which has passed within his memory, and everything which he has read in history. It is well known that when armies are in an enemy's country they take everything which they want and very often destroy what they do not want, for the mere purpose of destruction. Not only do they destroy what they do not want and take what they do want, but they go further and levy heavy contributions upon the places which they occupy. I will relate two instances at different periods of time, which show the continuity of the practice. In 1807 when the French army besieged Dantsic, then a Prussian town, France being at war with Prussia, after a long siege Dantsic surrendered. The French destroyed in the first place all the suburbs. They took a great many things which they wanted for their own purposes—requisites of clothing, and so forth—and then they levied on the town a contribution of 30,000,000*f*. Was that

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respecting private property? Who were to pay those 30,000,000*f.* except the inhabitants, and how were they to pay it except out of their private property? That is one example of many showing that it is not the practice in war by land to respect private property. Take another instance at a much more recent period—in the year 1850 or 1851. There was a contest then in the Electorate of Hesse Cassel between different German Powers. What was the state to which they reduced that unhappy country? I will, if the House permit me, read extracts from letters addressed to me at that time by a diplomatic officer, who went to look at the country during and after that contest—a contest which did not last long, and between German armies, not animated by hereditary animosity or difference of race, but acting simply in the ordinary operations of war upon the theatre of hostilities. This is what he stated on the 17th of November, 1850—

“It is deplorable to consider the inevitable consequences of this immense concentration of foreign troops in Hesse, of which your Lordship no doubt is already informed; but the sufferings of the poor inhabitants is likely to exceed everything which can be imagined. Their provisions for the winter already setting in, have been consumed by the troops quartered on them. Sickness and disease are beginning to appear, and I believe, although the report is endeavoured to be put down, that the cholera has appeared in several places.”

That was the condition in November. In the following March he says:—

“The country (that is Hesse) continues in a deplorable condition. There is no commerce of any kind, and consequently no money. I am assured that in that part of it occupied in the beginning of the winter by the Federal and Prussian troops, everything is destroyed, and that there are some thousands of persons in a complete state of destitution. Not only were their cattle and stores all consumed, but their horses even taken, so that the ground cannot be tilled, and in the interior of the houses and cottages the furniture of all sorts was used for firewood. This account was given to me by a person who is well inclined towards the Elector and his Government, and who added that it would require at least ten years to restore that part of the electorate to its former condition.”

That is just a single specimen of the result of war by land, and then Gentlemen run away with the notion that in war by land private property is respected. Why, it is perfectly well known that it is taken whenever it is wanted; that it is destroyed frequently out of wantonness; that it is always destroyed in the necessary operations of war; and that in those cases

compensation is not given by those who destroy it. By sea it is said private property is taken. Ay; but it is taken in a different manner, and with more order and regularity. Private property by sea is not made prize until it is adjudicated by a competent tribunal as a legal and proper capture. By land it is taken at the moment when it is wanted, and as it may be wanted. I was about to say that we have assimilated, or endeavoured at least to assimilate, the practice of war by sea to the practice of war by land. What was the main difference of the two? Not that private property was not taken by land as it was taken by sea, but that by sea it was taken by a different set of people from those who were authorized to take it by land. By land no individual is allowed to make war unless he belongs to a regularly-organized army, and is in the service of a State. If people make war on their own account on land, they are taken and shot as banditti. Nothing was more common in Spain than for the French to take the armed peasants and shoot them without the slightest hesitation if they were not embodied as military. It is a well-known fact that to carry on war by land people must be in the service of an established authority—not so by sea. Private war on the ocean was a permitted and acknowledged practice. We agreed at last at Paris to the proposal that privateering by sea should no longer be a legitimate mode of carrying on war, and that future wars should be carried on only by regularly-organized forces acting under the authority and command of a responsible Government. That part of the arrangement has so far been carried out that privateering—as regards those parties who acceded to the Declaration—has been, and will be, discontinued. But these Declarations do not apply to the States which did not accede to them. The United States of America have not acceded to the abolition of privateering; and, undoubtedly, if we had the misfortune, as was not unlikely a short time ago, to be engaged in a war with the United States, we should not be bound to abstain from privateering unless the United States should also enter into a similar and corresponding engagement. Much criticism has been passed upon a remark of my right hon. Friend the Secretary for War, that war puts an end to treaties. Undoubtedly, war does put an end to treaties, and even to declarations of this sort; and in the event of war

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you would have to rest upon the honour and good feeling of the parties who had agreed to them in time of peace. We have had a recent instance to show that that principle is admitted and acted upon, and that such Declarations are not always likely to be observed by Governments; because the President of the United States, maintaining, as he did, that the capture of those two gentlemen on board the *Trent* was at variance with the invariable and acknowledged principles of the United States, and allowing that it was therefore his duty to give them up, yet declared that if it had been for the interest of his country—departing from his own principles and from the admitted doctrine of the United States—he should have felt it his duty not to give them up. My right hon. Friend is quite right in saying that you have not that security from belligerents that in time of war they will observe the conditions laid down in peace which you have from neutrals. When you make an engagement with a neutral, if it is not kept by him you have the resource of war; but when you are at war with a foreign nation you have shot your bolt, and you can do nothing more. It must rest on the honour of the belligerent, and with his respect for public opinion, though you have always this remedy—that you may say that you will not conclude a peace with him unless you have ample redress and restoration for the injury done in the war in contravention of the principles previously established. It is said that the principles laid down at Paris would be fatal to our commerce and to the shipping interests; but the very arguments used by hon. Gentlemen who take that view negative the first part of the assertion; because they say our commerce would go on without any interruption whatever, and all that would happen would be that the channel through which it flowed would be changed, and that commerce would be carried on through neutrals with much greater safety than in our own ships. If that be so, as far as our commerce is concerned, there is no ground for complaint. It must be admitted that that principle would increase the inconveniences which the shipowners would feel when war broke out. But, unfortunately, it is of the nature of war that it cannot be carried on without embarrassment, suffering, and loss to all parties concerned. If you make war without any suffering and any loss to any party whatever, it would

*Viscount Palmerston*

become mere child's play, and it might last for ever without coming to any result. It is said that all our commerce would immediately be carried on by neutrals; but how is that made out? I presume it may be asserted that the commerce of the world is carried on by the ships of the world, and I believe our commercial ships form a very large proportion of the ships which carry on that commerce. Suppose that our ships were withdrawn from employment, where will you find ships to take their place? Ships are not things which can be created on a sudden; it takes time to create a mercantile marine. I forget how many millions of tons we have in our merchant shipping; but supposing the whole of them were all at once confined to our harbours, where will you find neutral ships to take their place, and to carry on the commerce which they now carry on? We are, I hope, the most powerful naval State, and we have, I hope, a fleet which in the event of war would be superior to any adversary with whom we might be engaged. The ships of that adversary would either in a very short time be confined to their ports, or they would come out and suffer defeat; and when we had established our maritime supremacy at sea, then the danger to our merchant shipping would, in such proportion, be diminished. This really is only another instance of an attempt to set up the assumed interest of one class of persons against the general interests of the country. We have had a great many examples of that in years past, and in all those cases the persons who objected to a particular arrangement on the ground that they imagined that it was injurious to their interests, found afterwards in the end that they were mistaken, and they have actually shared in the general good which resulted from that arrangement. When free trade in corn was established, the agricultural interest contended that they would be ruined, and great efforts were made to prevent the adoption of that measure; but the agricultural interest has since found that it has prospered with the prosperity which that change produced. Our manufacturing interests also contended that by admitting foreign manufactures our manufacturers would be ruined; but instead of that our manufactures have increased in the very proportion that we have admitted foreign manufactures. This very interest—the shipping interest—is also an instance. They contended most elaborately and elo-



quently that the change in the Navigation Laws would be their ruin; but the contrary has been the fact, and our shipping has increased ever since by reason of that change. The shipping interest now ask for the establishment of the principle contained in the Resolution of the hon. Member for Liverpool, because they imagine that it would relieve them from the pressure of war; but in the same way it can be shown that the remedy which they seek will, in fact, be detrimental to the general interests of the country and that they would share in the injury which the country would sustain if that were granted to them which a short-sighted view of their own interests induces them to think of importance. An island like this, with an army which is not large enough to be sent to a distance across the sea for any great operations of war, must mainly rest for redress upon its naval power being exerted in destroying the commerce and commercial ships of its antagonists, and in taking their crews prisoners. Gentlemen have argued this question as if it were simply a matter of ships and goods; but they forget that when you take an enemy's merchant ship, you take not only the vessel and cargo, but also the sailors on board, who, if they are allowed to return safely to their own ports, are an additional source of strength to your enemy. Suppose—what I hope may be far distant—that we were at war with France. That country sends annually some 15,000 or 20,000 sailors to the different fisheries as nurseries for her war navy. Suppose we were blockading Brest, Toulon, Cherbourg, or L'Orient—if the principle of the hon. Member for Liverpool were adopted, we should have to allow the fleet of 20,000 sailors to pass with impunity through our blockading squadron to man the enemy's ships lying in the port before us. Therefore it is not simply the injury done to the enemy by the capture of his property and vessels which you have to consider; it is the injury you can do him by thus crippling his war navy, and depriving him of a certain number of men who would otherwise man that navy, and enable it to come out and give you battle. My opinion, therefore, distinctly is, that if you give up that power which you possess, and which all maritime States possess and have exercised, of taking the ships, the property, and the crews of the nation with whom you may happen to be at war, you would be crippling the right

arm of our strength. You would be inflicting a blow upon our naval power, and you would be guilty of an act of political suicide. If you allow the cargo to go free, you must allow the men also to go free. Suppose you were at war with France, you could not stop a merchant ship and take the men out of her, while you let the vessel and cargo go. You could not say, "We will respect the cargo and respect the vessel; but you have sailors, and as the mercantile marine is that which feeds the war navy, sailors are part of the enemy's power, and therefore, gentlemen, we cannot let you go into port—we must take possession of all of you, and allow the ship and cargo to get home as they best can, without any crew on board." Therefore, according to the principle of the hon. Gentleman, you would be compelled to let any number of sailors pass into a harbour, to man a fleet there, that might come out to encounter yours, and offer it battle. With this principle, you would almost really reduce war to an exchange of diplomatic notes. You would raise a number of questions which it would be most difficult to establish. If you admit the principle that private property must be respected at sea, you cannot maintain a blockade. You enforce a blockade by confiscating the ships that break it; how can you do that if you assert that private property at sea is to be respected? You may say that ships shall only be taken in case they break the blockade. But what is breaking a blockade? That is not a question so clear that an infinite number of questions may not arise upon it. It may be alleged that a ship has not broken the blockade; it may be a question how far she was from the port, and in what degree her approach to it proved an intention of breaking the blockade. Many points of this sort would arise, exceedingly difficult to establish; and you would get into insuperable difficulties if you went the length of saying that private property is to be respected at sea, and only to be taken in the case of breaking a blockade. I repeat, if you adopt the principle of the hon. Gentleman, you will cripple the main arm of your strength for all purposes of war. We are all agreed that war is a thing to be avoided. I hope that this country will never be engaged in any unjust war. But as long as human nature is human nature; as long as mankind are ambitious, tyrannical, and oppressive—especially if they believe they may be so with impunity or without

suffering for it—so long will a nation like this, whose subjects are scattered over the face of the globe, living in and engaged in commerce with every community of the world, and relying on the faith of treaties with their Governments—so long will this country be liable to causes of just quarrel from time to time with foreign nations. And the more remote the nation the more likely it is such causes of quarrel will arise. In such cases the navy is the only arm by which you can extort redress. You cannot send out military expeditions to conquer the country that has done you wrong. You can only obtain redress by means of your navy. It may be said you may bombard a city or a town. But that is not a practice that any one can recommend you to adopt. That is worse than taking private property on the sea, for you destroy the property of people who have had nothing whatever to do with the cause of quarrel between the two countries. You have no resource in cases of this sort but the power of your navy. Then, what class of persons in this country have most interest in maintaining the power of obtaining redress for an injury? The shipping and commercial interests, who have the most numerous transactions with foreign countries, and who are more likely than any others to be the objects of injury and wrong; they are the classes for whom this country is most likely to be called on to demand and obtain redress. Under these circumstances, I should hope the hon. Gentleman will be satisfied with the debate that has arisen on his Motion, and with the very conflicting and contradictory support it has received from the House. I think the hon. Gentleman himself must be at a loss to know what is the sense his Resolution is understood to bear. I should hope he will be content with the mysterious vagueness in which it has been enveloped, and the doubtful result of the opinions elicited in the debate that has arisen on it. I hope he will be satisfied with the discussion; he has made a very sensible speech, barring some of its opinions and arguments—a speech to which I listened with very great pleasure. I hope the hon. Gentleman will be content with the discussion he has raised on the question, and withdraw his Resolution.

Mr. DISRAELI: Whatever may be the variety of opinion with regard to this Motion, to which the noble Lord alludes, there cannot be two opinions as to the importance of the subject. In my mind

it is the most important that can engage our attention. In importance I put it far beyond the question of Parliamentary Reform, even when that question was a reality. That question affected the disposition of political power in England; the present question affects the disposition of power throughout Europe and the world. Now, how has this question arisen? No doubt it is raised by the Declaration of Paris in 1856. The Solicitor General says that when an apprehension of war arose, he did not see that any fear was expressed by the merchants of this country of the consequences of the changes then made in our maritime law; that they were ready, with inherent and hereditary courage, to meet the emergency before them. I cannot agree with the hon. and learned Gentleman, except in giving credit to the merchants and shipowners for their courage. I think it is in consequence of the apprehension of war with a powerful State that this discussion has arisen. By the Declaration of Paris we have given up the cardinal principle of our maritime code. I do not think the noble Lord has been successful in imputing to the shipowners that this is a discussion got up merely about their individual interests. I am sure that is not the case. There is a general impression that the great change made in our maritime code may be—perhaps must be—the cause of serious results to the maritime power of this country. It is not at all a question of the shipping interest only; it concerns the whole maritime strength of this country, if we have acknowledged the principle that the flag of a neutral covers the cargo. This must divert the commerce of the country in time of war into neutral bottoms; and that, I believe, will deal a serious blow to our maritime strength. Our maritime strength will follow the carrying trade. If the carrying trade leaves the shores of this country, the maritime population will go with it; and if we have not a preponderance of the maritime population, we cannot have the preponderance of naval power. The noble Lord says we have got the ships; and as ships are not built in a day, how can any other nation obtain the carrying trade? But these ships, if not used by us, will not be locked up in docks and harbours. No doubt, where the profits are good and the risk *nil*, the ships will find new masters. I have not heard any argument in the debate that has met



this point:—Did you take any step, by the Declaration of Paris, relinquishing a cardinal principle and impairing our maritime strength? That is the real question. It is in an interest superior to that of the shipowners that we are now discussing the subject. The noble Lord has treated this question in an extraordinary manner. He first gave certain abstract reasons in favour of the change. It is very surprising that so experienced a statesman, born and bred in the school of politics that attached so much importance to this point of our maritime code, the school of Liverpool and Canning, should suddenly find there are abstract arguments against its existence. I must do the noble Lord the justice to say that he did not dwell much on that point. He admitted that the real causes of the change have been placed more clearly before the House by the hon. Member for Birmingham. It was because, on the eve of a war with Russia, we feared the assertion of the principle that a neutral flag does not cover the cargo might involve us in embarrassments with the United States. The noble Lord recognised the accuracy of that description. If that be a sufficient reason for the course taken, see how it has operated with regard to the very Power for which the sacrifice was made. As the House has been reminded, we might be at war with the United States now, and the United States might at the same time, by virtue of the new principle that the flag covers the cargo, carry on the whole of their trade in neutral vessels, while they poured forth thousands of privateers to prey upon our merchant shipping. In giving up this cardinal point, therefore, from a visionary apprehension, which could not be put to a practical test, we have, without having effected our object, placed ourselves absolutely at the mercy of the United States, if—which God forbid!—a war should ever take place between the two countries. That being the position of affairs, we have now before us a Motion which has been described as a natural consequence of our relinquishment of this cardinal principle of our maritime policy by the Declaration of Paris. The noble Lord denies that it is a natural consequence; but he forgot that he was the first great authority to announce that it was so. Why, when the Declaration of Paris was signed and peace proclaimed, the noble Lord travelled 200 miles to a considera-

ble city, and there—not making a hurried speech—was the first person who called the attention of the country to the inevitable connection between this renunciation of our old principle of maritime policy and the policy recommended by the hon. Member for Liverpool. The noble Lord now says, “I have changed my opinion. I cannot deny that when peace was proclaimed I went down to Liverpool to receive the congratulations of my friends and stimulate the spirit of my party, not by a hurried, but by a well-considered and mature manifesto; and that I said that the principles which were adopted at the Paris Conference might perhaps be still further extended, and that in the course of time those principles of war which were applied to hostilities by land might be extended to hostilities by sea, so that private property might no longer be the object of aggression on either side.” Now, I want to know what more the hon. Member for Liverpool has said? These opinions, indeed, exceed anything which the hon. Gentleman has recommended. The hon. Gentleman has not dared to put in a Resolution all that the Prime Minister of England announced in a speech. “But,” says the noble Lord, “I have changed my opinion.” Well, a man has a perfect right to change his opinion. We do not grudge the noble Lord his change of opinion on these vital subjects; but then the noble Lord’s opinion upon any subject can hardly be such a leading authority as it was before. Here is the noble Lord, twenty years Secretary at War, fifteen years Foreign Secretary, and at the time when he made this declaration Prime Minister. For forty years he must have been meditating and manipulating kindred subjects to this. Whether the flag should cover the cargo, every question affecting privateering, every form which a belligerent right can assume, must have constantly occupied the mind and meditation of the noble Lord. Yet, upon the most important of these subjects, the noble Lord, holding a most responsible situation, and making a well-considered speech, which, from the manner and the time of its delivery, was more important even than a debate in this House, because it was a declaration to a nation—the noble Lord comes to the same conclusion as the hon. Member, and yet tells us now that he has since entirely changed his opinion. Yes, the noble Lord may change his opinion; but let me tell him, that when he rises again,

and when questions of this high importance are brought under the consideration of the House of Commons, and he warns the House that they are asked to adopt "a suicidal policy," he will not exercise that influence upon public opinion which he possessed before the hasty expressions that he has now recalled. What? "A suicidal policy!" Is that the policy recommended by the hon. Member for Liverpool? Why, it is the policy which the noble Lord himself completely planned and partially perpetrated! I deeply regret this, because I know that there have been, and may again be, occasions of national difficulty when the warning voice of an experienced statesman, of the talents, popularity, and authority of the noble Lord, would sink deep into the public mind, and would exercise a great and salutary influence upon public opinion. But, alas! that is all over. However ruinous the proposition, however revolutionary the schemes, however vast the danger that may assail the State, though the noble Lord may be deeply impressed with all these perils, though he may feel deeply and think deeply, and though there may be no risk of his changing his opinions, the world will remember that he went down to Liverpool to recommend a "suicidal policy," and they will think he is crying "Wolf!" when otherwise his words might have saved the Capitol. Now, what are we to do in our present position? The noble Lord says we have two alternatives. I will take first the proposal made by the hon. Member, which the noble Lord at Liverpool advocated with so much eloquence. That appears to me a visionary proposition. I cannot myself dissociate the interests of nations and of Governments. It seems to me dangerous to do so. It may make rich societies, but will surely make weak States. I cannot believe that armies and navies can flourish when they are no longer bound up with the interests and passions of the community. If a society founded on such principles were long persisted in, I see the possibility of immense corruption; and I can hardly doubt that the end would be that in some part of the world some man of force—some conqueror with some new system of tactics or some new kind of artillery—would take advantage of such a flourishing but dead community, which would then vanish with a rapidity which it is difficult now to conceive, and give place to a society established on very different principles from those which have

*Mr. Disraeli*

now the ascendancy in the excellent town of Liverpool. But, viewing the matter in the most practical light, I cannot see how you can maintain your system of blockade if you concede the principle which the hon. Member recommends, and which the noble Lord a few years back so warmly supported. If you cannot maintain your system of blockade, it seems inevitable that your naval power must cease to be an aggressive power, and must only exist for defensive objects. Then, what would be the position of a country like England in the event of war with a great Continental Power possessing great armaments, if our fleets can only act on the defensive? Why we should sink into utter insignificance. We should have no power to assert our authority. Although we might be carrying on a thriving trade, we might all this time be working only for others; and while we were sacrificing everything to the accumulation of treasure, we must, ultimately, be the victims of some strong Power influenced by different principles from those which governed our system. I cannot, therefore, support the views of the hon. Member, and those heretofore advocated by the noble Lord. Those views are, as I think, most dangerous. I do not want to see the community entirely severed in sentiment from those who govern it. Patriotism depends as much on mutual suffering as on mutual success, and it is by that experience of all fortunes and all feelings that a great national character is created. Although I am still willing to admit the inconveniences, the difficulties, and dangers that beset our position, especially by the unfortunate surrender of the cardinal principle of our maritime code at Paris, yet I rest my confidence on the patriotism of my countrymen and the good fortune of a country that I believe to be destined to remain great. Although, therefore, I do not attempt to obtain by the first alternative that relief from the difficulty which the treaty has entailed upon us, yet I cannot agree with the noble Lord in treating with the derision he has done the suggestion that the Declaration of Paris is one that may be changed. In the observation of the Secretary of State for War as to the consequence of war upon the treaty, there was nothing incorrect, but there was nothing novel. His observation was perfectly just, although it has the commendation of having been long accepted. No one doubts that war terminates a



treaty between belligerents, although it is a treaty that contemplates the action of war between belligerents. But there is one point which the right hon. Gentleman entirely omitted. It is true that war terminates a treaty between belligerents, but only belligerents. If we went to war with Russia, both Powers being parties to the Declaration, the Treaty of Paris would not be terminated, because there are other parties to this arrangement besides Russia and England. Therefore the war would not relieve us from the Declaration of Paris, because the rights of all the other signatories to the treaty would continue to exist. They may assert their claims on us, and make those claims the foundation of a declaration of war. The right hon. Gentleman was too quick in assuming that there was a chance of getting rid of this precious bargain. Of course, the Government might declare war, in order to relieve us from the treaty. But there are wiser and milder means by which the country may obtain relief and the ship-owner redress from the mistakes and improvidence of the statesmen who have been intrusted with this affair. I know that the noble Lord may treat any suggestion with indifference that proceeds from these benches. But I have an authority which ought to weigh with him, and which he ought to follow, for no one was more impressed with the mischievous and improvident character—the alarming character—of the Declarations of Paris, especially the principle that the flag covers the cargo, than the present Secretary of State for Foreign Affairs. The noble Lord is a practical man, and when he gives an opinion he is generally prepared with a measure to carry it into effect. This highly-esteemed nobleman thus expressed himself in regard to the Declarations of Paris—"I cannot but think," he said "that, in point of principle, the declarations of the Treaty of Paris ought to be altered. The whole matter is most unsatisfactory, and has a most grave bearing on our national supremacy." If that were the opinion only of Lord Russell, who has so long served his Sovereign, who has sat so many years in her councils, and has led this House with so much ability, it would be highly valuable and ought to influence an assembly like this. But the House will remember that the nobleman who expressed this opinion is a Minister of the Crown—he is a Secretary of State; and not only a Secretary of State, but Secre-

tary of State for Foreign Affairs; and will, as such, be intrusted with the management of this business in any negotiations that might take place. I do not know what the present occupations of the Cabinet may be, or whether they are so multifarious as those of the House of Commons; but if they are not more employed than we are, I would suggest to Her Majesty's Ministers for their next subject of meeting the consideration of the means—to use the language of the Secretary of State—how the declarations of the Treaty of Paris may be altered.

MR. HORSFALL made a few observations in reply, expressing himself satisfied with the course the discussion had taken. He would, in deference to the suggestions made from both sides of the House, withdraw the Motion.

Motion, by leave, *withdrawn*.

House adjourned at a quarter  
before Two o'clock.

## HOUSE OF LORDS,

*Tuesday, March 18, 1862.*

MINUTES.]—PUBLIC BILLS.—2<sup>a</sup> Writs of Habeas Corpus into Her Majesty's Possessions Abroad; Officers' Commissions; Consolidated Fund (£18,000,000).

### EDUCATION—THE REVISED CODE OF REGULATIONS.—OBSERVATIONS.

LORD OVERSTONE, in presenting petitions against the modified Revised Code of the Committee of Privy Council on Education, expressed his hope that the subject would continue to be dealt with in the same spirit of fairness which had hitherto characterized the discussions which had taken place on the subject. Opposition, when it was offered, should be directed not to sweeping away the whole system, but to improving it to the utmost possible extent. When first the Code was brought forward there had been a universal outcry against it, and it was believed to aim at the sweeping away of existing interests without any consideration. Subsequent inquiry showed that those ideas had been greatly exaggerated, and on the one side a disposition was shown to meet in an equitable spirit all objections which might be raised; and on the other, to make due allowance for the real intentions of its promoters.

Objections of a religious character had then been taken to it ; but these seemed to have been entirely abandoned, greatly to the credit of those who had been led to urge them in the first instance under misapprehension. It appeared, likewise, as if the objection to the classification by age had been surrendered, after the very candid and sensible speech delivered by a noble Lord now present (Lord Lyttelton.) The more the Code was considered the more he believed its merits could be recognised. The noble Lord (Lord Lyttelton) who, from his peculiar connection with schools, seemed in the first instance to have been strongly prejudiced against it, and had placed on the table Resolutions strongly condemnatory of it, afterwards, on fuller information, was induced very considerably to modify his propositions—in some degree, he had no doubt, owing to the reasonable and temperate manner in which the President of the Council encountered the difficulties felt and expressed by many noble Lords. If the discussion should be continued in the same tone, there could not but arise out of it beneficial and advantageous results.

#### WRITS OF HABEAS CORPUS INTO HER MAJESTY'S DOMINIONS ABROAD BILL.

##### SECOND READING.

THE DUKE OF NEWCASTLE in moving the second reading of the Bill said, he would briefly state the circumstances which had given rise to its introduction. Their Lordships would recollect the case of the fugitive slave John Anderson, which excited a great deal of interest both in this country and America some months since. Anderson was charged with the murder of a person in the State of Missouri, who was endeavouring to prevent his escape from slavery. He effected his escape into Canada ; where, on the application of an officer from the State of Missouri, he was committed to prison in order that a requisition might be made from the Government of the United States for him to be delivered up under the articles of the Ashburton Treaty of 1842 relating to the extradition of offenders. Before any action could be taken, Anderson sued out a writ of *Habeas corpus* in the Court of Queen's Bench in Upper Canada, the result of which was that he was remanded to gaol by the decision of two Judges against one. He appealed against that decision to the Court of Common Pleas in Canada, and was released on some technicalities in the proceedings before the committing magistrate.

*Lord Overstone*

Meanwhile, at the instance of the British and Foreign Anti-Slavery Society in this country, application was made to the Court of Queen's Bench in England for a writ of *Habeas corpus* to bring Anderson from Toronto to England ; and that writ was granted and sent out to Canada. Before its arrival, however, Anderson, as he had stated, had been liberated by the Court of Common Pleas in Canada on some technicality which occurred in the early portion of the proceedings against him. The fact of a writ having been issued by the Court of Queen's Bench in this country to a colony in which a Court of Queen's Bench already existed, naturally created a great sensation in the colonies ; and the right to issue such writs having been disputed, his (the Duke of Newcastle's) attention was officially called to the question. The matter was referred to the law officers of the Crown, and with their assistance the present Bill had been draughted. It was then submitted for the consideration of the noble and learned Lord on the Woolsack, and afterwards forwarded to Canada that it might be submitted to the local authorities. In their opinion the provisions of this Bill entirely met the difficulty, and he thought their Lordships would not object to sanction a measure which simply provided that no writ of *Habeas corpus* shall issue out of England by the authority of any Court therein into any colony or foreign dominion of the Crown where there existed any court of justice having authority to grant that writ and to ensure its due execution. On the mere ground that justice could not well be done in a case where the Judges were at one side of the Atlantic and the witnesses on the other, he thought their Lordships would be disposed to agree to the second reading. As there was no objection to the Bill, he did not propose to trouble their Lordships at any greater length.

*Moved*, "That the Bill be now read the second time."

LORD CHELMSFORD said, he did not oppose the second reading of the Bill, but suggested that it would be prudent to omit from the preamble the words relating to the single case to which the noble Duke had referred, and to rest the legislation on general grounds.

THE LORD CHANCELLOR thought that it might be desirable to act upon this suggestion.

*Motion agreed to.*

Bill read 2<sup>a</sup>, and committed to a Committee of the Whole House.



## OFFICERS' COMMISSIONS BILL.

## SECOND READING.

EARL DE GREY AND RIPON *moved* the second reading of the Bill, the object of which was to relieve Her Majesty from the necessity of affixing her signature or sign manual oftener than once to any commission issued to any officer of the regular army, or marines, and some officers in the Militia and Volunteers. The Bill provided that when Her Majesty has once directed by her sign manual the appointment of an officer to any rank, it should not be necessary that the commission issued from the office of the Secretary of State should also be signed by Her Majesty, but that the signatures of the Secretary of State and of the Commander-in-Chief, or of the Lords of the Admiralty, as the case might require, should be sufficient.

THE EARL OF DERBY said, it was undoubtedly an object of importance that any commission which was issued should be brought directly under the consideration of Her Majesty. He therefore thought that this Bill was one which required to be carefully looked into before it passed their Lordships' House. At the same time, he was bound to say he knew himself that much inconvenience and much unnecessary labour were cast upon the Crown by the multiplication of signatures required under the present system. As the noble Lord explained correctly, the object of the Bill was to relieve Her Majesty from the labour of signing her name so very frequently, as it often happened that Her Majesty had to sign her name three times to the same instrument. Under the proposed Bill Her Majesty would be asked to sign her name only to the authority under which the commission was issued. If that could be done effectually by this Bill it would be a most desirable object to accomplish. With a view to provide still further security, and as a means of identification of Her Majesty's signature, the Secretary of State, or whoever else had to sign the actual commission, should be required to state on the face of the document that it was issued in pursuance of Her Majesty's sign manual of a certain date.

EARL DE GREY AND RIPON said, he would take the suggestion into his consideration.

THE EARL OF DERBY was quite satisfied to leave the matter in the hands of the noble Earl.

*Motion agreed to.*

Bill read 2<sup>a</sup>, and committed to a Committee of the Whole House.

THE LATE INSOLVENT DEBTORS' COURT  
—SALARIES OF THE OFFICERS.

## OBSERVATIONS.

LORD CHELMSFORD rose to call attention of the House to the Case of the Clerks and Officers of the late Insolvent Court, who have been transferred to the Court of Bankruptcy under the Act passed in the last Session of Parliament for amending the Law relating to Bankruptcy and Insolvency in England. The noble and learned Lord said he felt most strongly that it was his duty to take this course, because he was convinced that either the rights of those officers had been improperly withheld, or that a breach of faith had been committed towards them which ought to be repaired without delay. If a wrong had been committed, the Government alone were responsible for it; he did not, however, think that, so far as the majority of its Members were concerned, the Government were aware of the real circumstances of the case. Although he was politically opposed to them, he had such an esteem for their high character that he was satisfied, if the circumstances of the case had been fully known to them, all complaint would have been long ago removed. The Bankruptcy Act of last Session, in assimilating bankruptcy and insolvency, involved the abolition of the Insolvent Debtors' Court; and the question arose, what was to be done with the staff of officers and clerks of that establishment? There were two ways of dealing with them. The one was to abolish their offices, and of course, if that were done, according to the custom of Parliament a just and liberal compensation would be provided for them: the other was to retain their services by transferring them to the new Court of Bankruptcy. The latter was the course adopted by the Government. The incomes of these officials were constituted partly of salaries and fees—the fees in most cases far exceeding the amount of their salaries. The salaries were paid by the Treasury, the fees were received out of a fund derived from the business of the Court, called the Insolvency Fund. It was a material part of the case that the nature of the official incomes of these officers, and the sources from which they were derived, were perfectly well-known to the framers of the Bill during its progress

through Parliament. The noble and learned Lord on the Woolsack, being then Her Majesty's Attorney General, was intrusted with the duty of passing the Bill through Parliament, and he employed to assist him in drawing it up Mr. Roche, then a member of the Bar, but who had since been appointed one of the Registrars of the Court of Bankruptcy. Mr. Roche communicated with the officers and clerks of the Court which was to be abolished, and made himself thoroughly acquainted with all the circumstances connected with their position. He (Lord Chelmsford) must take it for granted that Mr. Roche communicated to his employer, the then Attorney General, all the knowledge he had derived upon the subject. He should not have had the slightest doubt that the noble and learned Lord on the Woolsack was perfectly aware of those facts, if it were not for a circumstance that had occurred in this House. He (Lord Chelmsford) on a former evening put a question to the noble and learned Lord on the subject of the claims of these officers, and in the course of the answer which he gave, the noble and learned Lord stated that he was not aware at the time of the progress of the Bill through Parliament that these officers were paid partly by salaries and partly by fees; and that if he had known it, he would, undoubtedly, have thought it right to provide for them some means of compensation. This was the more extraordinary because he (Lord Chelmsford) held in his hand a return which was made to the House of Commons on the 22nd of March, 1861, exhibiting in detail the amounts of salaries and fees received by the officers of the Insolvent Court on an average for the last seven years, and showing that the amounts which arose from fees were much larger than those received as salary—for instance, one gentleman received £300 salary and £715 fees; another £150 salary and £599 fees. It was impossible that the noble and learned Lord could have overlooked a return of this importance, which must have been moved for in order to assist the Government in deciding the proper provisions of the Bill in relation to this matter. He ventured to say, that if the noble and learned Lord did not know of this return, he ought to have known of it; and that he neglected his duty if he failed to make himself acquainted with the information which it contained. But he would not believe that the noble and learned Lord

*Lord Chelmsford*

had so disregarded his duty, and therefore he must assume the answer which the noble and learned Lord had given him arose from a momentary forgetfulness, and that there must have been a full knowledge of the fact of the incomes of the officers being composed both of salaries and fees. Mr. Roche was the organ of communication between the Attorney General and the officers and clerks of the Insolvent Court. The latter were naturally anxious to know what was to become of them if their Court were abolished. They were told over and over again by Mr. Roche that their interests were protected, that their salaries and official incomes would not be diminished, and that ample provision would be made for them by the Bill; and he called their attention to three of the clauses, which he assured them would sufficiently protect and secure their interests. Those clauses were the 22nd, 26th, and 30th. The 22nd provided for the transfer of the services of the officers and clerks of the Insolvent Court to the Court of Bankruptcy. The 26th provided for the transfer of the Insolvency Fund to the account of the Accountant in Bankruptcy, and that such fund should be applied, subject to certain payments, as the Lord Chancellor might direct towards defraying the salaries of the clerks and other officers of the Insolvent Court, whose services had been transferred to the Court of Bankruptcy. The 30th clause provided that the chief clerk, clerks, taxing officer, and other officers of the Court of Insolvent Debtors, should, "upon being in manner herein provided transferred to the Court of Bankruptcy, severally continue to receive the full amount of the salary, remuneration, allowances, and compensations which they now respectively receive, as nearly as may be out of the same funds and payable in the same manner in all respects as if this Act had not been passed." If any reliance could be placed on assurances—if there was any plain, honest meaning in words—could the officers of the Insolvent Court have doubted that the full amount of their salaries and emoluments were secured to them by the provisions of the Act? The noble and learned Lord on the Woolsack had expressed his regret that the officers did not secure the services of some one to watch their interests whilst the Bill was passing through the House of Commons; but were they not to be excused for reposing confidence in the repeated assurances they had received? Their case, however,



was not entirely overlooked at the time the Bill was passing through the other House. He held in his hand a copy of the Bill which was used by his hon. and learned Friend Mr. Rolt when the Bill was in Committee. It appeared that the words of the 30th clause had struck an hon. and learned Friend of his (Mr. Malins) as likely to leave the officers in a precarious position, and he proposed an Amendment to the effect that the words "out of the same funds and payable in the same manner in all respects as if this Act had not been passed," should be omitted, and the following words substituted:—"The same shall be paid out of the funds standing to the credit of the Chief Registrar's account." The noble and learned Lord, then in charge of the Bill, promised to consider the Amendment on the Report; and on the copy of the Bill used by Mr. Rolt in Committee were the words, written by himself in pencil, "to be considered." The Bill was reported after it had passed through Committee without any alteration in the 30th clause, and came to their Lordships' House in that state. What was he to infer from that circumstance? He could not believe that the noble and learned Lord had disregarded his promise; and as no alteration was made in the clause, he could only infer that he had considered the point and had come to the conclusion that the words were sufficient to carry out what he had professed to be his intention. In their Lordships' House, when the Bill was referred to a Select Committee, his noble Friend behind him (the Earl of Derby) expressed an apprehension, that as the Insolvency Fund would be merged in the Bankruptcy Fund, the officers might be deprived of the incomes which they had been receiving. The late Lord Chancellor, who was chairman of the Committee, almost ridiculed the idea that the officers were not fully secured by the provision made for them. Mr. Roche, who prepared the Bill, was permitted to be present in your Lordships' Committee; he heard the objection and the answer; and if he had felt the slightest doubt on the subject, he would, of course, have communicated with the noble and learned Lord, and the Government would have insisted on the Bill being amended. Before the Bill became law, the late Lord Chancellor had passed away, and the noble and learned Lord on the Woolsack succeeded him. It was not supposed that the change would be

prejudicial to the officers of the Insolvent Court: they had received assurances over and over again that their interests were carefully protected; and they therefore waited patiently and without apprehension till the first quarter's salary became due. The 1st of January arrived; days and weeks passed away, and no symptom appeared of any disposition to satisfy their claims. This delay was most disastrous to many who were entirely dependent on their official incomes. Some liable to pay debts by instalments had executions put into their houses; others had been distrained upon for rent; and, what was much worse, in one instance at least the premiums of insurance made for the benefit of the family could not be paid. This state of things at last aroused the attention of a most excellent and humane man, Mr. Commissioner Law, for many years the Chief Commissioner. He immediately pressed the claims of the officers on the Lord Chancellor with an energy and ability that did him infinite credit. A long correspondence ensued between the Lord Chancellor and Mr. Law, and he should not be obliged to trust to memory, but was able to give their Lordships the Lord Chancellor's views under the hand of his secretary. In the first place, the Lord Chancellor, in his letter, said he doubted very much whether the officers were transferred by the Act, and whether General Orders were not necessary to transfer them. He (Lord Chelmsford) could not understand how the noble and learned Lord could form such an opinion, for the Bill said the persons now discharging certain offices "shall be transferred, and shall act in such manner as the General Orders shall direct;" and a case having been laid before the law officers on this point, they expressed an opinion that without doubt the officers were transferred by the 22nd section of the Bankruptcy Act of 1861. If the noble and learned Lord had any doubt on this subject, it was his duty to have the General Orders ready by the 11th of October, when the Act came into operation, as he had acted with respect to other General Orders, and at once have transferred these officers to the Bankruptcy Court, leaving no gap in the payment of their salaries and emoluments. The next doubt started by the noble and learned Lord was one of a more formidable description, as it went to the very root of the claims of these officers. The noble and learned Lord addressed a

letter to Mr. Law, stating it was his intention to lay a case before the law officers for their opinion; then he went on to say, "But the Lord Chancellor begs that you will consider for the officers of the Court that which is the impression in his Lordship's mind, though he views the matter with every disposition to favour the claimants. First, he is of opinion that there are no words in the 30th clause which give the clerks, when transferred to the Bankruptcy Court by the Act, an income equal to the aggregate amount of their salaries and fees, and it is impossible to strain the words of the section to any such meaning. Now, the words of the section are that the officers shall continue to receive the full amount of their salaries, remunerations, allowances, and compensations which they now respectively receive. The noble and learned Lord then went on to offer the clerks two alternatives. "The Lord Chancellor," said the letter, "can see but two alternatives—either that an effort shall be made to obtain a new Act of Parliament, giving them a right to compensation; or, secondly, that they shall accept such reasonable salaries as the Lord Chancellor has the means of giving, and he will be glad to go as far as prudence will possibly allow him." Now, as to the first alternative, the Lord Chancellor expressed his opinion that it would be impossible to obtain compensation from Parliament? If that were so, the noble and learned Lord left the unfortunate officers to what is vulgarly called "Hobson's choice." The noble and learned Lord went on to say, that if they consented to the second alternative, he hoped to be able to allow them salaries which would be of a permanent character, and ample for the services required of them in future, although he feared that those salaries would not exceed the sum total of the existing salaries and about one-half of the fees. To this Mr. Commissioner Law replied, that he was not at liberty to accede to any such proposition as that contained in the noble and learned Lord's letter, and that whilst he would not attempt to strain the words of the Act in favour of the clerks on the one hand, he would not disregard their rights on the other. There was a point in the letter of the noble and learned Lord on the Wool-sack to which he (Lord Chelmsford) must refer, although it had nothing to do with the subject to which he was calling attention, because it might possibly raise an

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unfair prejudice which might divert their Lordships' minds from the merits of the case. In the letter, inviting the officers to the two alternatives, there was a charge against the clerks of fabricating false returns, for it contained these words, "The cause of the clerks is morally not improved by the manner in which they have attempted to swell the emoluments above the amounts stated in the return of March, 1861. The Lord Chancellor cannot accept the last statement, and regrets that it was made." In answer to this, Mr. Law said he felt it his duty to notice the charge made against the clerks, which he had seen with regret. Knowing the men, he asserted his belief that their statements were true, and he invited, on their behalf, the closest scrutiny. He pointed out that as the amount of the fees depended to a great extent on the number of petitions presented, the increase in the fees was probably occasioned by the increased number of petitions filed during the last year over the number filed in the year preceding the return of March; and that the words of the 30th section, stating that the clerks should receive the same salaries, &c., as they "now receive" were the words of the Legislature, and not of the clerks. If it had been the pleasure of the Legislature that the average of seven or twenty years should be taken, that intention would have been expressed in the clause; but the intention actually expressed was that the present rate of emolument should be taken. He (Lord Chelmsford) had told their Lordships that a case was laid before the law officers as to the construction of the 30th section of the Bill; but where was the necessity for any case at all? Was it for the purpose of asking whether the noble and learned Lord was to keep faith with the officers, or did he wish to obtain the confirmation of the interpretation which he chose to place on the 30th section? If the latter were the case, he met with extraordinary success, for the law officers gave it as their opinion that the officers of the Insolvent Debtors' Court had no right under the Act of 1861 to claim remuneration equal to the salaries and fees received by them previous to the passing of the Act. With great respect to the law officers, he knew something of the English language, and had some pretensions to understand the honest meaning and intention of words, and he was perfectly surprised that they could come to that conclusion with the words of the 30th section



before them. The law officers said, secondly, that the Lord Chancellor had no power to devote the sum transferred to the Bankruptcy Court in payment of the fees or any part thereof. Now, he (Lord Chelmsford) should like to see the case on which the opinion was given, in order to ascertain whether the 30th clause was transcribed in it without the words "as nearly as may be;" for it so happened that in quoting the clause in the letter of the noble and learned Lord to Mr. Commissioner Law those words were omitted. In the clause it was directed that the clerks should receive their income in future "out of the same funds as near as may be," and for that purpose the annual vote of Parliament was directed to be paid to the Chief Registrar in Bankruptcy. But in his letter to Mr. Law, and in his reply the other night in that House, the noble and learned Lord omitted the words "as near as may be," as if they had been words of no importance, while, in fact, they made all the difference, and constituted the entire case. Those words clearly contemplated the possibility of the case arising, when the funds would not be sufficient to pay the salaries and fees of the officers; and he was curious to know whether they appeared in the transcript of the clause which, of course, would be included in the case laid before the law officers. But, supposing the law officers were right in their opinion that the officers were not entitled to receive their salaries and fees out of the funds provided, what course might one have expected the Lord Chancellor to follow? He should have thought the noble and learned Lord would have said, "My intentions have been frustrated by the incautious wording of these clauses; there is nothing to do but tell the Government it has committed a wrong, which it must repair by immediately introducing a declaratory Act. The noble and learned Lord immediately communicated the opinion of the law officers to Mr. Law, and proceeded to say, "The Lord Chancellor (after stating the opinion of the law officers) assumes that you are satisfied that the officers have no legal title to any remuneration equal to that of which they have been in possession at or before the passing of the Act. If, however, this is not so, the officers must, of course, take legal measures for trying the question; and a mode of proceeding for that purpose must be agreed upon."

The answer of Mr. Law was—

"Your Lordship, in addressing me as their adviser, assumes that I am satisfied that the officers have no legal title to remuneration equal to that of which they were in possession at or before the passing of the Act. I am not so satisfied. It is true I am not prepared to frame a remedy which shall have the force of law against the Treasury, or against the Chief Registrar of the Court of Bankruptcy. If a legal title means a claim founded upon justice and legal enactments, then I am satisfied that these officers have a title as legal, moral, and equitable as any man can boast of for his possession, and that every member of the Legislature is called on—especially those who allowed the Bill to go out with this blemish, are called upon, in all righteousness to remedy the matter."

The noble and learned Lord in reply to this said—

"If the officers rest their claims upon moral and equitable grounds, relief must be sought in the House of Commons, where alone it can be given; and the Lord Chancellor would suggest that any officers or persons making any claim under the 30th section should present a petition which shall set out the nature of the several claims. There will be no difficulty in finding a Member to present it, and of course the officers will select one in whose ability they have confidence; and the Government will then propose that the petition be referred to a Select Committee, and of course if the report is in favour of a further provision being made for the officers, the House of Commons will make that provision."

Thus the noble and learned Lord had disregarded altogether the original assurances given to the officers that their rights should be secured, and the intention repeatedly expressed that the provisions of the Act were sufficient for the purpose, instead of the full incomes which it was intended to continue to them; he had tried to induce them to receive an amount only equal to half their fees; he had told them that the House of Commons would refuse them compensation if they attempted by petition to obtain it; and then he invited them afterwards to go by petition to the House of Commons, and promised them that the Government would have a Select Committee appointed to see whether further provision should be made. Remember this, that the Government was to select their Committee, and they were all aware that when the Government selected a Committee they would have the majority in it; and of course, with the best intentions, the Members would feel bound by the decision of the law officers, as to whether they were entitled to receive the full amount of their fees. The consequence would be a Report of the Committee against the officers. Would they then obtain any further provision from the House of Commons? They

would be laid prostrate at the feet of the noble and learned Lord; they would be entirely at his mercy, and, instead of half their fees, would probably be fortunate if they could obtain a quarter of the amount. But even this harbour of refuge, which the noble and learned Lord so kindly proposed to open to these officers, he immediately blocked up with stones. For the noble and learned Lord added this warning to his invitation to the officers to petition the House of Commons—

“The Lord Chancellor, however, begs you to consider a point which has occurred to him, but which he has not mentioned until now—namely, whether the fact of an officer joining in a petition to the House of Commons, if the result be unfavourable, may not affect his right to claim the benefit of the 22nd section.”

He (Lord Chelmsford) could not find what were the benefits of the 22nd section, except that they should hold their offices during good behaviour, subject to dismissal by the Lord Chancellor for some sufficient grounds. Surely the noble and learned Lord did not mean to say that petitioning the House of Commons would be a ground of dismissal. Mr. Law stated in reply, that certainly the officers should not by his advice go to Parliament with a petition under this mysterious intimidation. He said—

“If I rightly understand this, I would offer no advice upon it.”

Thus the matter was brought nearly to a conclusion; but there was one little incident which formed the only bright spot in the scene, and which in fairness ought not to be omitted. The officers were apprehensive, that if they received that portion of their incomes which consisted of salary, it might prejudice their claim to the farther emoluments; but the noble and learned Lord assured them that the fact of receiving their salaries should not be allowed to prejudice their case. The noble and learned Lord also said—

“The Lord Chancellor begs that he may receive early intimation whether the clerks do or do not intend to adopt the course which the Lord Chancellor proposes to facilitate—namely, that of presenting a Petition to the House of Commons, in order that their case may be considered, and their remuneration settled before a Select Committee.”

To which Mr. Law said, that should the officers petition under the present circumstances, it would not be by his advice. And so the matter rested. He appealed to every honest and impartial mind whether he had not proved in the first instance that the officers had originally an assurance that they should be secured in the full amount of their salaries and compensations; whe-

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ther the clauses to which he had directed their Lordships' attention were not framed with the view of giving them that benefit; and whether they were not assured, over and over again, that those clauses were amply sufficient for the purpose. And then, he asked, what was the conclusion from the whole—who had committed this error, whose fault was it that the intentions had not been carried out? Was it not the fault of the Government, and were they not bound without delay to introduce a declaratory Act to give these officers their rights, which had been so long withheld from them, and to which they were so justly entitled?

THE LORD CHANCELLOR: My Lords, I do not desire, having regard to my own character and position, that the noble and learned Lord should have used any different tone or exhibited any different manner from those he has displayed in bringing forward this subject; for it must be evident to all who have heard him, that if he pities the clerks much, he hates the Lord Chancellor more. The noble and learned Lord, in bringing forward this attack, has not shrunk from charging the Lord Chancellor even with falsehood; and yet he has actually been during several weeks, and even during the present week, in daily and confidential intercourse with me; yet not one word, not one intimation of an attack of this malignant description have I received from him; not even to the extent of enabling me, by inquiry, to ascertain the facts of the case, that I might come prepared even with an explanation of them. Such is the nature of the attack which your Lordships have heard. Your Lordships will collect from what passed on a previous occasion, what is the feeling that has given rise to it. My Lords, in the first place, it would be most unbecoming that I should ask any one to believe that I have no desire to oppress or to be an obstacle to these poor gentlemen. I was anxious to give them all I could possibly give them. It would have been a pleasure to me—whatever the noble and learned Lord may say—to satisfy to the full their just expectations. I say with sincerity, and I care not whether or not the noble and learned Lord will give me credit for it, but I sincerely say I heard of this difficulty with the deepest regret. Let me now possess the House with what it was not made acquainted by the noble and learned Lord—the real facts of the case and the difficulties that surrounded it. The very words of the clause referred to



are evidence in this matter. I had believed that the salaries of the clerks of the Insolvent Court were included in the Parliamentary Vote; and, accordingly, if your Lordships look to the clause, you will see that it proceeds upon the hypothesis that the Parliamentary Vote, as near as may be, will be sufficient to meet the amount of the salaries. The clause was framed entirely with that view. The noble and learned Lord says that I sent assurances to the clerks that their salaries would be fully paid. I desire to know by whom and when. Personal communication I had with none of them, except once, when a gentleman called upon me on behalf of the provisional assignee, who desired that his salary should be increased to the amount of his present emoluments—a request to which I acceded with great difficulty. It now appears, that although the clerks were paid by salaries, yet they were also in the habit of receiving fees which were carried to a fund and divided among them. I desire to know, if this fact was known to the noble and learned Lord when he was a member of the Committee, why he did not correct the expressions in this clause. I am told that the Committee were satisfied with the assurance of the late Lord Chancellor that the words were amply sufficient. It is impossible that any man, attending to his duty, and with a mind to understand, can read these words and come to the conclusion that the fees of the clerks were secured to them by it. Now let me give your Lordships the fact. The amount of the annual Vote by Parliament is usually £6,176, the sum of £1,200 interest on certain funds in possession of the Court being deducted from the total amount of the salaries, £7,376. I was desirous of securing the same Vote in future, and I was desirous of giving the officers of the late Insolvent Court a priority of claim upon that money, fearing that it might be held liable to the claims of the officers of the Bankruptcy Court. I thought it right those officers should be transferred, and that they should have that priority of claim, and therefore it was that this clause was framed in this manner. But when the claim came to me showing the amount required by these gentlemen, £19,476, it must have been palpable to any person of ordinary understanding—to every man whose mind is in a state to be free from anger and an inclination to malice—it must have been palpable to every one that the amount of £19,476 could never be paid out of the money voted by Parliament. It is idle to

talk of the words “as near as may be” as charging the bankruptcy funds; they only dedicate the Parliamentary Vote to that purpose. In the next place, the noble and learned Lord said that a return was moved for, and he has actually so represented the matter to the House that those who have listened to him must believe that it was moved for the purposes of my Bill. The fact is, that the Bill had been prepared and laid upon the table of Parliament before the return was made, and I never knew of the existence of the return. It was moved for by Mr. Hunt, with whom I have had no communication. Why or wherefore he moved for it I do not know, but certainly the Bill had been prepared before the return was in existence. The next perversion of real facts and truth—the next perversion of the facts of the case of which the noble and learned Lord has been guilty [“Order! Order!”]—was in misrepresenting what took place in the House of Commons. He actually represented to your Lordships that I had undertaken to alter the form of the clause upon the Report.

LORD CHELMSFORD: I beg pardon, I said, “to consider it,” and I read Mr. Rolt’s note, “to be considered.”

THE LORD CHANCELLOR: I have fortunately here a record of what took place in *Hansard*, and any noble Lord who favours me with his attention will perceive in what really did take place the strongest confirmation that I was entirely ignorant of the fact that the Parliamentary fund would not be sufficient to meet the salaries, and I was astonished at the nature of the application then made. I find in *Hansard*—

“Upon clause 36,

“Mr. MALINS proposed to omit the words, ‘as near as may be out of the same funds and payable in the same manner in all respects as if this Act had not been passed,’ and to substitute these words, ‘the same shall be paid out of the funds standing to the credit of the Chief Registrar’s account.’

The ATTORNEY GENERAL said, the hon. and learned Gentleman had not explained the reason why he proposed the alteration with regard to the mode of payment of the messengers and brokers of the Insolvent Debtors’ Court. He hoped the Committee would allow the clause to pass in its present shape, upon the understanding that it should be open to alteration upon bringing up the Report.” [3 *Hansard*, clxi., 519.]

And that the noble and learned Lord has represented as an engagement by the Attorney General to consider the matter, and to bring it again before the House upon the Report. Why, the language speaks for itself. I could not understand why Mr. Malins should propose to substitute

those words for the original words. I could not then state the particular reason I had for keeping the existing words; but I have no difficulty in doing so now. I was apprehensive that the bankruptcy fund would be insufficient for the ordinary purposes of bankruptcy, especially when these additional offices were added, unless I secured the continuance of the Parliamentary Vote; and I thought that if at any future time the bankruptcy fund should not stand in need of the Vote, the House of Commons need not be asked to vote the money; but as I then believed that the bankruptcy fund would be insufficient, I wished to secure to the clerks a priority of claim upon that money. That was the feeling with which these words were originally inserted. Your Lordships have been told by the noble and learned Lord with so much violence that Mr. Malins was fully informed upon this subject, and brought it before the House of Commons. Now, Mr. Malins said not one word about it. He never said, as he would have said had he been fully informed, "You are proposing to pay £15,000 or £18,000 a year out of a Vote that does not exceed £6,000." All Mr. Malins does is to substitute the words without stating any reason; and I find in the same record this statement, which I have no doubt is correct—

"The ATTORNEY GENERAL said, that the hon. and learned Gentleman had not explained the reasons why he proposed the alteration."

From this your Lordships will see that the reasons were not stated, and the whole matter left my mind without any knowledge, or means of knowledge, that the particular fund which I endeavoured to secure for the clerks would not be sufficient for the purpose intended. The next insinuation of the noble and learned Lord is one which positively I feel ashamed of hearing made in your Lordships' House—namely, that the Lord Chancellor, in directing a case to be laid before the law officers, had actually taken pains to prevent the clause in the statute from being correctly stated. Does the noble and learned Lord imagine that the Lord Chancellor would have the preparation of the case? Does he not know that it was the Solicitor to the Treasury who prepared the case? Does he believe for a moment that there is any man so base who could entertain the conception that was not in his own mind conscious of the possibility of the thing being done—who could entertain the conception that there is any man so base as to garble and mangle an

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Act of Parliament to secure a result in which he had no interest? It is simply disgraceful to be stated that the thing is possible to be done by a noble and learned Lord, but the disgrace, I think, hangs on the head of the man who believes the thing possible; and the contempt I feel for the insinuation it is scarcely possible to find words to express. What was the Lord Chancellor to have done but what he has done? Here was an Act of Parliament passed, and the Lord Chancellor was called on to find £19,000 and odd, instead of having to provide, as he had thought, between £6,000 and £7,000. He is called on to provide money under the powers of the Act. What would the Lord Chancellor do under the circumstances, except have a case submitted to the law officers of the Crown? The noble and learned Lord has made another attack, for he says that a doubt has been suggested about the officers being transferred. What the noble and learned Lord has said on this point I will attribute rather to his ignorance of the subject than to his want of candour. What he did say was, that by the Act of Parliament the officers were transferred, subject to another clause which he told you nothing about—namely, that the Insolvent Debtors' Court should continue to discharge its functions (but it cannot discharge functions without officers) till the Lord Chancellor should have transferred those functions. When the word "transferred" was used in that letter, which, to my surprise, has been referred to—I certainly did not take the precaution of marking my letter "Private" or "Confidential;" but, as will appear from the language which I used, I wrote unreservedly, and, as I thought, in confidence, to a gentleman who was anxious in the cause of the clerks, and without the least notion that my letter would be subjected to this description of criticism. The difficulty arises in this way—whether the clerks could be considered transferred till the Court is closed. While the Court continues open, there are certain fees being received by the clerks, and the doubt arises whether the clerks really are transferred till the Lord Chancellor closes the Court. On that ground alone arises the question as to the meaning of the word "transferred." I found myself in a situation of great embarrassment. The noble and learned Lord has directed attention to some funds transferred from the Insolvent Debtors' Court, and read you part of a sentence which



gives to the Lord Chancellor a power of applying a portion of those funds towards defraying the salaries of clerks and others transferred; but he did not tell you that that was only one of the purposes to which those funds are to be applied. First, there is a fund liable to the creditors to whom they belong. It is a fund which consisted, in a great measure, of unclaimed dividends. Then a power of application is given to the Lord Chancellor in respect to the salaries of the clerks, and in respect of payments towards defraying the expenses incidental to pauper prisoners, and for indemnifying professional assignees. The last is a very important matter. The Lord Chancellor would only have the power of appropriating a part of that income towards the payment of salaries. There has been a complaint as to the difficulty experienced in getting money, to which reference has been made; but that delay is not attributable to me. The chief registrar wrote again and again to the Treasury before he succeeded in getting the remaining instalment of the fund. The case is still further complicated by the fact that many of these gentlemen have sent in two statements of their salaries, and that the sums set forth in the last of these statements are much higher than those set out in the first. From the return made on the 22nd of March, 1861, it appeared in the case of one of the clerks that the profits of his office for the last seven years were £715 15s. 2d. The return made on the 11th of October, 1861, shows those profits to have risen to £899 16s. 7d. In another case, the first return was £389; the second £566: in another the first return gave the profits at £599; the return of October makes them £702. If I had to deal with the original amount, probably I might have approximated to that amount; but I was not left to deal with the matter on the first return. What I did, therefore, was to inform Mr. Law, in a courteous but decided manner, that if the claim in question was put forward as a matter of right, and that the Government were advised that it was not a matter of right, all I could do was to expedite in the quickest manner the means of deciding the question. And, my Lords, as the law officers could not advise the Government to accept this as a clear legal demand, how could I answer it except in the manner I did? In the spirit of fairness, and even going beyond what I ought to have done, I told Mr. Law that the law officers of the Crown had expressed an opinion that the officers of the Insolvent Court had a strong moral claim to favour-

able consideration. I beg you to pause for a moment and ask, could I have done more? I then went on to say:—"The Lord Chancellor had no opportunity of calling the attention of the Government to the subject till the day before yesterday." I gave a promise that I would take the first opportunity of calling the attention of the Government to the subject. I did call the attention of the Government to the matter, and the Government agreed and decided upon the course to be adopted, subject always to this—that Mr. Law, on behalf of the clerks, should be content to rest the question on a claim founded upon moral and equitable, and not upon legal grounds. I had no wish to deprive them of the notion that they had a legal title, but I maintain that I had a right fairly to say—"If you assert that you have legal rights, agree as to a tribunal and have this question determined. But if you are content with the opinion which I myself entertain, and which the law officers have expressed, that you have not a legal title, then bring forward your claim on moral and equitable grounds; and, to encourage and assist you, I frankly tell you the law officers say that you have a strong moral claim to favourable consideration." I went on to tell Mr. Law what the Government meant to do—

"Without presuming in any way to dictate, the Lord Chancellor would submit to you the following mode of proceeding:—The Lord Chancellor assumes that you are satisfied the officers have no legal title to remuneration equal to that of which they were in possession at and before the passing of the Act. If that is not so, the officers must, of course, take legal measures for trying the question, and a mode of proceeding for that purpose must be agreed on. But if the officers rest their claim on moral and equitable grounds, relief must be sought in the House of Commons."

Now, I should like to know where else it could be sought. If it be sought from me personally, let me ask, have your Lordships power to give any portion of the public money? A previous letter of mine has been referred to, in which I stated that I was afraid the House would not give compensation. Let any one who knows the House of Commons, and has heard the opinions there expressed, particularly since compensations were given under the Probate Act, tell your Lordships whether he thinks they would be likely to give compensations in the present instance. My letter proceeds to say—

"The Lord Chancellor would suggest a petition by all the officers and persons making any claim under the 30th section, which petition shall state the nature of the several claims, and the grounds on which they are rested. There will be

no difficulty in finding a Member to present it. Of course the officers will select one in whose ability and energy they have confidence; the Government will then propose that the petition be referred to a Select Committee. Of course, if that report be in favour of a public provision being made for the officers, the House of Commons will make that provision."

I made this proposal with the object of giving them an opportunity of doing everything they could desire. I am sure that any one distinguished for candour and impartiality will believe that I should be as ready to do what lay in my power as any of your Lordships. Now, why did I propose the Committee? I did so because I thought there were a great number of circumstances which could be proved by evidence before a Committee, and which might forward and promote the claims of the clerks. We have been told—I know not with what truth—that assurances were given to those gentlemen that the whole of their emoluments were absolutely secured to them. If they went before a Committee, they would have had an opportunity of proving that. The late Lord Chancellor told your Lordships that there can be no doubt of their being entitled to their emoluments. Would not that be a very cogent and important fact to be brought before a Committee of the House of Commons? Now, I desire any noble Lord to suggest a better or more Parliamentary course—one more in accordance with good faith—than that which I have suggested. Is it not surprising that after all that has been done, with the most perfect sincerity on my part, and with a view of redeeming the pledge which I gave to this House—after my stating that nothing which occurred since the passing of that Act has given me so much pain—or, indeed, any pain—as finding the position in which these gentlemen are placed—is it not surprising that I should in return be assailed, denounced, and held up to obloquy and ridicule on the part of your Lordships, no sort of scruples being used with regard to statements or to insinuations by the noble and learned Lord who has thought it fit and becoming to bring them forward? I leave the decision to the mind of every honourable man. If any noble Lord will point out what I could have done more I shall be obliged to him, and, in case your Lordships concur in opinion with him, I shall submit to the reproach that I might have done more than I did. Remember that it is a very difficult thing, under such circumstances, to get anything done. I

*The Lord Chancellor*

can only assure you that I have spared no effort, and I adhere to the opinion that the course I suggested was the best and wisest. Notwithstanding the language used by their self-constituted adviser, and notwithstanding the course adopted by Mr. Commissioner Law—which is unworthy, as far as I am concerned, that I should stop to comment on it—I can only say in sincerity that my feeling with regard to these gentlemen, and my disposition to go to the House and do what I can in their favour, remain unaltered. The singularity of the advice given to them your Lordships will best appreciate when I tell you that, after I succeeded in getting from the Treasury a sum of money, and after the checks were prepared to be given to those gentlemen, not one of them would make application for their money. This gave me great and serious pain, and, after the checks had for some time been lying unclaimed, I, unsolicited, and purely from a feeling of anxiety, caused this letter to be written to Mr. Law—

"The Lord Chancellor is much vexed at finding that the clerks of the Insolvent Debtors' Court refuse to receive the salaries lying for them, under the erroneous notion that it may prejudice their claims under the Act of 1861. The Lord Chancellor can only repeat that it shall not in any manner whatever prejudice their case, nor shall it be used in any way to their disadvantage. The Lord Chancellor regrets that he cannot carry back the provisional augmented salaries which he proposes to give to those clerks who now enter upon active duty in the Court of Bankruptcy further than the 11th of January. Such salaries will be purely provisional, and the receipt of them will not in any manner affect the ultimate rights of officers. The Lord Chancellor begs that he may receive an early intimation whether the clerks do or do not intend to adopt the course which the Lord Chancellor proposes to facilitate—namely, that of presenting a Petition to the House of Commons, in order that their case may be considered, and their remuneration settled before a Select Committee.

It has been maliciously represented to your Lordships as if that was a threat to deter them, and a part of the clause was read so as to make it appear as if it only contained a direction that the clerks shall hold office during good behaviour, subject to dismissal by the Lord Chancellor. Why, my Lords, the latter part of the clause provides that—

"Nothing herein contained shall be deemed to deprive any person now holding office in the Insolvent Debtors' Court of any benefit to which he may now be or may hereafter become entitled by virtue of the Acts ;"

and they are mentioned, relative to superannuation allowances. Now, if these gentlemen had gone with their claims



before the House of Commons, and had been left with diminished salaries, it might have affected their claim to superannuation allowances—allowances which would be claimed upon the right as it stood at the time of passing the Act. Two gentlemen have claimed these superannuation allowances, and have withdrawn their claims under the 36th section; and the suggestion which was made was well worthy their consideration, and was intended to be beneficial to them, and not to operate as a threat. My Lords, this is the whole of the case as it actually exists. I do not know a single particular that I have to regret, except that the clause should have been originally worded under a misconstruction; and the only thing that has been said correctly is that it was the duty of the Attorney General in bringing in the Bill to have acquired the most perfect information upon the subject. I admit that; but I think your Lordships will agree with me, that if you introduce a measure to alter the salaries and emoluments of any set of officers, and they are perfectly passive, do nothing, make no representation or no application to the House of Commons, any one would be justified in concluding that they had no reason to complain of their position under the Bill. They may be entitled to say that they misconstrued the Act, and that they had believed that they were provided for. I do not, in the smallest degree, wish to diminish their moral and equitable titles to a favourable consideration; but if they had brought forward their claim in the House of Commons, what would have been done? Do you suppose that the House of Commons would have given them for the rest of their lives salaries equal to their then existing emoluments? The House of Commons would have required the taking of an average, and I am very much mistaken if it would have given them full salaries. And now observe in addition to that—what you have not yet been told—that the position of these gentlemen has been greatly altered. Many of them—I have not perfect information—held office during pleasure. By the 12th section of this Act it is provided that they shall hold office during good behaviour. Their offices have been converted into freeholds for life, though of smaller annual value; but a small freehold weighs more in the balance than fees which are contingent, uncertain, and precarious, although in particular years they may amount to a larger sum. All these things have to be considered, and where can they

be properly considered except before the tribunal which can not only decide upon the case, but apply the remedy? Is the case likely to be forwarded by what we have heard to-night? Can any one suggest a better mode of proceeding than that which has already been suggested to these gentlemen? I therefore leave this case in the hands of your Lordships. It has been to me a subject of deep regret that this scene should have occurred to-night; but I appeal to your Lordships whether what you have heard has been justified in the smallest degree; I appeal to you to determine whether it was possible for the Lord Chancellor, acting from those feelings which alone ought to animate him—an earnest desire to do the utmost that law, and reason, and good faith, and equity, and good-nature, and a spirit of kindness could dictate towards these gentlemen—to take any other course than that which I adopted. I do not want to be tried merely by the standard of whether I have done that which I was compelled to do, but I desire all those who hear me, with candid and upright minds to tell me what more I could have done under these painful circumstances than that which I have manifested my willingness and anxiety to do. If any one can suggest any course which can be adopted, I shall forget all the irritation which this event is likely to produce, and shall apply myself with singleness of mind to do the utmost in my power to make to these gentlemen the best possible return that I am able to make for the loss of income which they are represented to have sustained.

THE EARL OF DERBY: My Lords, bearing in mind the warning which I received the other night from the noble and learned Lord on the Woolsack, I refrained, and my Friends near me, from interrupting the noble and learned Lord, even when he used language of a nature which your Lordships are certainly not accustomed to hear in this place. My Lords, I can easily understand that the noble and learned Lord felt considerable irritation at the charges that were brought against him, the representations which were made, and the statements that were supported by evidence, in the very powerful speech of my noble and learned Friend who sits near me (Lord Chelmsford). But the noble and learned Lord must not be surprised if, when a person holding a high station indulges himself by, in the mildest and calmest manner, making use of expressions at-

tributing to noble Lords malignant feelings—feelings of rankling irritation and malignancy—and ascribing every kind of injurious motives of which we are not accustomed to hear in this House, and which, I believe, are not attributed in the other House of Parliament—if, I say, a noble and learned Lord who can make use of such expressions in this House, and who can speak of a gentleman as honourable and as highly respected as Mr. Commissioner Law as a person who is utterly unworthy of his notice—

THE LORD CHANCELLOR: The cheers prevented my hearing the words which fell from the noble Earl.

THE EARL OF DERBY: The words which I understood the noble and learned Lord to make use of were, that Mr. Commissioner Law was a person unworthy of his notice.

THE LORD CHANCELLOR: I said the manner in which that correspondence had been used was unworthy of any further notice.

THE EARL OF DERBY: I certainly rejoice to hear this correction of the noble and learned Lord; but so he was understood by those who sat near me, who certainly commented on it at the time as very strong language. But I was about to say, and I repeat, that the noble and learned Lord, if he indulges in the habit—and that not under the influence of violent feeling, but in the calmest and most placid manner—of attributing most sordid motives to those associated with him in this House, he cannot be surprised that such a course should lead to some corresponding irritation; nor must he be surprised if his own conduct is spoken of in hard words, and his own motives called in question. Now, the noble and learned Lord on the Woolsack began by complaining that my noble and learned Friend near me (Lord Chelmsford) had sat with him during the last three weeks, and had had confidential communication with him during that time, without giving him any intimation of what he has brought forward to-night. I do not know what was the confidential communication between the noble and learned Lords. I presume that in the discharge of their official and legal duties they have been in constant and frequent communication; but I apprehend that such an association does not prevent either from making comments on the other's political conduct, or bringing forward in the debates of the

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House the arguments by which he can substantiate to the country that injustice has been done to many of our fellow-subjects. The noble and learned Lord, however, seems to have an extraordinary idea of what constitutes confidential intercourse and communications. If the correspondence with Mr. Law—a correspondence carried on by the Lord Chancellor's Secretary on the one hand, speaking in the name of the Lord Chancellor, and Mr. Law on the other, in reference to the claims of public officers appointed by another public officer—if that correspondence so conducted is a confidential correspondence, which is not to be made use of, I certainly know not what is the meaning of confidential communications, or what can be correspondence of a public character. I shall not pursue any of the irritating topics which have been introduced, further than to assure the noble and learned Lord—and I do so without the slightest feeling of anger—that if he desires not to excite unpleasant feelings in this House, he must not make use of language which appears to intimate his belief that he is infinitely superior to all whom he is addressing, nor attribute to other Members of the House motives that, to say the least, are not Parliamentary. I must do the noble and learned Lord the justice to say that he has argued the case, apart from the personal question, with the most perfect calmness; and I give him the credit of believing that he is actuated by a desire to do justice to these gentlemen whose case is before your Lordships. At the same time, I must confess, as he has invited any noble Lord to tell him what further he could have done than he has done, I feel bound to say that I think the course he has taken is not that which, on the part of the Government, he might be expected to take. Now, what are the circumstances of the case that are admitted on all hands, setting aside anything that can be matter of controversy? A Bill is introduced on the part of the Government by the noble and learned Lord on the Woolsack holding at the time the high and responsible situation of Her Majesty's Attorney General. It dealt with a most important question, with a most extensive subject, and one which no man was more competent to handle than the noble and learned Lord, who deserves a great amount of credit for dealing with a subject so complicated and important. In the course of these proceedings it was necessary—not, mind, to abolish certain offices—but to do away with



a certain Court, and to transfer the officers of that Court to be the officers of another Court, with which, in point of fact, it was incorporated—the Court of Bankruptcy. I press this point, because in a further portion of the noble and learned Lord's speech he argued as if the claim of those officers were claims for loss of offices; whereas they are claims for a continuance of salaries and other emoluments, as they were received at the time of the passing of the Act—not on the abolition of their offices, but on the transfer from one Court to the other, and their continued employment in the new offices; and that I believe is one of the questions upon which the noble and learned Lord entertains no doubt, because it is one on which the law officers of the Crown have given an opinion as to the legal construction of the Act; that the actual construction of the Act according to the law officers is that those officers were transferred. Well, now, surely, the noble and learned Lord never means to argue, that if, for the purpose of facilitating the transaction of public business, some of those officers who remained discharged the duties of the Court that was abolished, finishing up the remaining business of that Court, and it was impossible for them suddenly and in a body to be transferred from one Court to another, for their services were required in the business of the former Court—it is impossible that the noble and learned Lord can contend that they were not entitled to the full remuneration they would have received from the time the transfer might be effected.\* It was the intention of the Act that those gentlemen should not be sufferers by their transfer from one Court to another. It was intended that they should receive—continue to receive—the full amount of their salaries, allowances, and remunerations upon that transfer, as they had received them at the period of the passing of that Act. And then the question is whether the words of the enactment are such as bear out that proposition and object of the Government. The noble and learned Lord who as the Attorney General introduced the Bill, says—and of course he says it truly—he admits fairly and honestly—that there was neglect on his part in not making himself thoroughly acquainted with the measure he was about to introduce; but I must be permitted to say, with an acknowledgment of the fairness and candour of the noble and learned Lord in making that admission, that it is a most extraordinary course for the law officers of

the Crown to undertake to abolish a Court and transfer the officers to another Court, and to say they really were ignorant how the officers of the Court which was to be abolished were paid. That is a mode of conducting public business which if the noble and learned Lord had not put it forward as his vindication, I could not have believed was a manner in which so important an Act as that for the amendment of the law of bankruptcy could have been introduced. But he says he was not aware that those officers were not paid wholly by salary. That, again, is a most extraordinary case, because my hon. and learned Friend who sits near me (Lord Chelmsford) has pointed to a paper laid on the table of the House of Commons on the subject. I find it was moved for on the 12th February, 1861—and that is the day after the introduction of the Bill of the noble and learned Lord. Upon the introduction of the Bill, though the Attorney General did not think it necessary to inquire into the subject, the House of Commons did, and they ordered a Return how the officers to be dealt with had been paid, and what proportion of their income was in salary and what in fees. On the 12th of February this Return was called for. It could not but have attracted the attention of the Attorney General when a Motion was made for such a Return. It was laid on the table of the House of Commons on the 22nd of March, 1861, while the Bill was still under consideration; and that Return, which the Attorney General admitted was necessary in order to the inquiry it the House of Commons, did contain a full and particular account of every individual, and of the amount of every salary, and the average amount of fees for a period of seven years. There is no plea on the part of the Government for being ignorant of the circumstances connected with this paper showing the particular circumstances of each case. One word with regard to that which has been commented on by the noble and learned Lord, the difference between the claims of the officers under the Act and the Return I hold in my hand. The Act declares that the “officers shall severally continue to receive the full amount of the salary, remunerations, allowances, and compensations”—the words are as large, as extensive as possible—“which they now respectively receive.” That was the enactment. The Motion, made by an independent Member of the House of Commons, was for a Return of

Salary and Emoluments they had been receiving on the average of the last seven years; and then the noble and learned Lord, who is very free in making charges and insinuations, although he himself is so keenly sensitive on that score, makes a charge against these officers, that for the purpose of obtaining an undue allowance they had falsified their incomes.

THE LORD CHANCELLOR: What I said was—

THE EARL OF DERBY: I hope the noble and learned Lord will imitate the forbearance I used while he was speaking. The discrepancy arises from the fact that the Parliamentary Return gives the average emoluments for seven years, while the other Return relates to the year before the passing of the Act; and I must say that because they make two true Returns the noble and learned Lord is not justified in saying that they made a Return to swell the amount they have to receive. Then the question is, first of all, do the words of the Act carry out the intentions of Parliament? and next, if they do not, who is responsible for their not carrying into effect the alleged intentions of Government, and certainly the intentions of Parliament? I am at a loss to understand, certainly, upon what ground the law officers of the Crown have decided that that 30th clause does not give to the officers of the late Insolvent Court the full amount which they claim—namely, the full amount of their salary and emoluments. We have not the reasons of the law officers. We only know they have asserted this; and the noble and learned Lord has been kind enough to say that it was impossible that, however that clause might be strained by my noble and learned Friend—it was impossible for any one possessed of common sense, and certainly not for any one of a legal mind, to read that clause and put upon it the construction of my noble and learned Friend. Whether unhappily or happily for me, I am not a lawyer and I do not possess a legal mind; but on that occasion I sat in Committee with a number of lawyers, including more than one ex-Chancellor and the then Chancellor—who I presume may be considered to have legal minds, or at all events were capable of judging of the construction of a clause—and all those high authorities were perfectly satisfied, and more than satisfied, because they had the assurance of the good faith of the Government, that the clause did carry out that which was claimed by the officers of the Insolvent Court.

*The Earl of Derby*

Now, I am willing to give the noble and learned Lord on the Woolsack credit for wishing to do all that he can to remedy the injustice which has been so unintentionally done to these gentlemen, but he said that Parliament did not make a sufficient provision to meet their claims, inasmuch as it had only voted a sum of £6,000, and consequently it was utterly impossible to pay £19,000, the amount of the claims, out of that provision. I do not know how the noble and learned Lord makes the amount of the claims £19,000; for, according to the correspondence which passed with Mr. Law on the subject, the sum claimed amounted only in the whole to £14,000.

THE LORD CHANCELLOR said, the claims on the whole were about £19,000; deducting the Government grant, they might be roughly stated at £14,000.

THE EARL OF DERBY: Well, admitting the noble and learned Lord to be correct in his statement as to the amount, I do not think that the actual sum claimed is material, except as it affects the question of the intentions of the Legislature. If I recollect rightly, Commissioner Law states that the £14,000 is subject to very considerable deductions, and that £8,000 or £9,000 is the utmost required to meet the present case. However that may be, the noble and learned Lord says Parliament granted only a sum of £6,000, which was clearly inadequate to fulfil the expectations of the Act. But I very much doubt whether it was intended that the grant should satisfy the claims of these officers, because\*that sum was to be applied towards payment of the charges of the Insolvent Court, which were to be provided by Parliament, and the language of the 26th clause implies that the charges for which the Vote was taken were the salaries and the salaries only. If the payment was intended to be made only towards salaries, I want to know from what fund it was contemplated the other charges would be met—namely, for the fees, allowances, and emoluments of the officers transferred from one Court to the other. It is quite clear that Parliament contemplated the insufficiency of funds; and in order to meet the difficulty Mr. Malins brought forward the Amendment to which allusion has been made, providing a specific fund out of which the deficiency should be supplied. The noble and learned Lord says that my noble and learned Friend (Lord Chelmsford) has represented too strongly the language held upon the withdrawal of that



Amendment. We all know that *Hansard* does not give very accurately incidental language used in Committee; and, as to the understanding that the matter was to remain open for consideration, I very much prefer the pencil-note of a Member of the House of Commons, and that Member a lawyer, made at the moment, to the necessarily meagre account which must appear in *Hansard*. Assume that the fund is at present insufficient; assume that the Lord Chancellor has no power of proceeding beyond the funds at his disposal; but assume, also, that the parties who are interested have not been neglectful of their own case, and that they were informed by those whom they had the right to trust, privately and publicly, in Parliament and out of Parliament, that their claims were fully provided for in the Act. When it is admitted that their case went before a Committee of your Lordships' House with all the most eminent lawyers serving upon it, and that the Committee were satisfied that their claims would be met to the full extent—when it is admitted that the plain, manifest, and intelligible construction of the Act by any one understanding the English language would render unnecessary the assurances of the Government, and that these officers had reason to believe no questions would arise to such an extent that the opposite conclusion would be the height of absurdity, are they to be told that by some means or other, for which they are not accountable, they are not entitled to receive that which Parliament intended they should receive, and that they have no remedy except throwing themselves upon the mercy of Parliament, and appealing, not for their rights, but for compensation for offices which have never been abolished? By way of example of the manner in which the incomes of these gentlemen were made up I will mention the case of the Provisional Assignee of the late Insolvent Court. It appears that his salary amounted to only £100 a year—he had ten clerks under him; but his fees amounted to about £1,400. Now, I ask, how was it possible that any human being could suppose it was the intention of the Legislature to continue to that officer his salary of £100 only, and to take no notice whatever of his fees and emoluments? Now, the officers had in their favour the declarations of those they were taught to trust—declarations made to them both publicly and privately—that their case had been fully provided for; they had also the assurance of the Govern-

ment; nevertheless they are now told—no provision having been made in the Act to meet their claims—that they are not entitled to that to which it is admitted they have an equitable claim, and that therefore they must throw themselves on the mercy of the House of Commons; that, in fact, they must apply as petitioners, not for their rights, but for compensation for offices which have never been abolished. I can quite understand the noble and learned Lord saying, that if these gentlemen stood upon their strict legal rights alone, they must try the question at law. But in what manner these unfortunate men are to try a question at law against her Majesty's Government I am unable to suggest or to suppose. If the noble and learned Lord, in asking them to admit they had no legal rights, said, "We grant you have a moral and an equitable claim, that we will introduce a measure into Parliament with the object of giving that which we have led you to expect," I do not understand that these gentlemen would make any difficulty in waiving their legal rights, provided they had any certainty of receiving substantial justice. But if they are first to abandon their legal claim and then petition Parliament, and take their chance of what Parliament will do, that would be very foolish and unwise, more especially after the assurance of the noble and learned Lord, that if they applied for compensation to the House of Commons, he was quite sure they would not get it. With such encouragement, it would be unwise to abandon their legal claim, and rest their appeal solely on the strong moral and equitable claim which has been recognised by the law officers of the Crown. The noble and learned Lord asks, what could the Government have done for them? I will tell the Lord Chancellor what he might have done. He might have gone to his colleagues and said, "I find, by a construction put upon the Act of last Session which was never intended, and for which I and you, although I chiefly, are responsible, serious loss, severe injury, and great pecuniary and personal inconvenience have been entailed upon a number of exemplary men, who for twenty, twenty-five, thirty, and forty years have served the public for small remuneration compared with the services rendered." The noble Lord might have said to his colleagues, "It is a case of grievous hardship, but it is a case where these persons have no legal claim for the full amount which they claim, though it is

by our act, by our ignorance of the real facts of the case, by our mode of framing the clause, that they are placed in this painful and embarrassing position. It is for our honour"—had I been the Lord Chancellor I should have said, "it is more especially for my personal honour that this grievance should, without hesitation, be redressed." Instead of telling these gentlemen that they may go down to the House and petition, and take their chance of what may be done, the course which the Government ought to pursue, and the course which I hope the Government will pursue, after what has taken place (setting aside any irritation or personal feeling, which I deeply regret should have arisen, and looking only to the merits of this case (is to bring in a declaratory Bill by which justice may be done. If the Government were to go down to the House of Commons with a declaratory Bill, or a Bill to remedy the defect introduced inadvertently into the other Bill, and if they were to say to the House of Commons, "These gentlemen are suffering from no fault of their own, but from the inadvertent manner in which we drew up the clauses of the former Bill, and we appeal to you to remedy our inadvertency," I feel as confident as that I am now addressing your Lordships in the cause of justice and equity, that the House of Commons would at once acknowledge, if not the strict legal right, certainly the moral and equitable claim, of these gentlemen, and would take such steps as would do them full justice.

EARL GRANVILLE: My Lords, I am not about to enter into the details of this question, but I must say that I never saw a case in which the lecture delivered by the noble Earl opposite to my noble and learned Friend on the Woolsack, was more undeserved. This conversation was begun by a speech from the noble and learned Lord (Lord Chelmsford), which I will not call "violent" with the Lord Chancellor, nor can I call it "powerful" with the noble Earl opposite; but it was a speech full of details and quotations from beginning to end, which it was not always very easy to understand, and which was delivered in the presence of a much fuller House than is usual, as though noble Lords had come down specially for the purpose of hearing it; it seemed to me to be marked by a tone of banter and sneer which, had it been applied to myself, I should have considered singularly offensive. I certainly did not feel as much indignation as I should have

felt had I not been perfectly certain that the answer of my noble and learned Friend on the Woolsack to the question in hand would be thorough and completely conclusive. Not only was the speech of the noble and learned Lord (Lord Chelmsford) delivered in a tone which is most undesirable in this House, but it assumed throughout a degree of hostility on the part of the noble and learned Lord on the Woolsack towards these officers and clerks which I know does not in the slightest degree exist. The noble and learned Lord opposite went so far as to accuse the Lord Chancellor of garbling the case submitted to the law officers, and he described the manner in which the law officers gave their opinions without referring to the clause of the Act of Parliament, which really one would not have expected to hear from an ex-Chancellor and an ex-law officer. The noble Earl (the Earl of Derby) followed, too, a course which is not usual in this House. After the Lord Chancellor had acknowledged in the most candid manner—going, as I think, even beyond the necessity of the case—that there had been an error in the wording of the clause, on account of imperfect information, and had expressed his regret for it, the noble Earl still persevered in going into the details of the question, criticising all that had been done by my noble and learned Friend. I do not intend to follow him into these arguments, but I wish it to be distinctly understood that the Lord Chancellor is not to be made personally responsible for the course which the Government authorized him to take. The noble Earl gave a very eloquent description of what he would have said to his colleagues had he been in the Lord Chancellor's place. Now, it so happens that that is in fact very much the sum of what the noble and learned Lord did say. Instead of that spirit of hostility against these persons which has been attributed to him, my noble and learned Friend's language has always been that he regretted that a mistake should have been made in the wording of the clause, and he has always been animated by a most sincere desire that full justice should be done to these gentlemen. It is quite clear that these gentlemen have either a legal right or they have not. If they have a legal right, the case is perfectly simple, and their remedy is in their own hands: but if they have not—and I think, after the conversation of to-night, that is the opinion most persons will form,—their claim then rests upon a moral and equitable



ground. I can see no reason whatever for departing from the course which the Lord Chancellor has announced. My noble and learned Friend has already given a reason for not bringing in a declaratory Bill, as suggested by the noble Earl opposite. He has explained why it was not thought for the interests of the clerks that a Bill should be brought in crudely, without giving the House of Commons an opportunity of examining into the merits of the question, and without any opportunity being afforded of making out that Parliamentary case which the noble and learned Lord, from his experience of the other House, must know is so necessary before any remedy can be applied. It is with these feelings that the Government have pursued the course which they authorized the Lord Chancellor to announce to the officers and clerks, and I trust that this debate—though certain things have been said in it which I much regret—will not tend to create any prejudice that might interfere with a fair and equitable consideration of the matter in hand.

LORD CRANWORTH said, there was much in the debate to which he had listened with the greatest possible pain. Any personal disputes, or anything which could lead to personal acrimony between two noble Peers who had to sit together day by day in the administration of justice, was very much to be deplored. When his noble and learned Friend opposite (Lord Chelmsford) first introduced the question, he concurred with him entirely that it was the bounden duty of the Government, for their own credit, and for the credit of the Legislature, to lose no time in setting the matter to rights. He hoped that no time would be lost in adopting whatever course might be best suited to lead to the application of a remedy for the position in which these persons were placed, whether it might be by referring the matter to a Select Committee of the House of Commons, or any other course. It certainly would be somewhat of a scandal on the Legislature if there should be any hesitation in setting right a mistake which had occurred from the over-confidence of these persons in all the law Lords, and all the other noble Lords who were on their Lordships Committee. He believed it was the noble Earl opposite (the Earl of Derby) who first called attention to the point in Committee, and mentioned that doubts had been suggested whether the language of the clause was sufficiently strong; and he recollected that the late Lord Chan-

cellor then replied that the matter had been thoroughly considered, and that there was no doubt that the words were quite strong enough.

EARL RUSSELL: My Lords, I rise merely for the purpose of observing, in answer to the appeal of the noble and learned Lord opposite (Lord Chelmsford), that these acts are the acts of the Government—they are acts for which the Government are responsible, and it is unjust to charge my noble and learned Friend the Lord Chancellor with particular acts as separate from the Government of which he is a Member, when he is supposed or represented to have acted harshly. Now I beg you to consider what was the question which the Government had before them. The late Lord Chancellor and several law Lords had agreed to a clause that seemed to grant to these clerks compensation for the whole of their fees; but if the Treasury had been asked to pay the compensation, the proper fund being insufficient, the Treasury would have required legal authority for the payment. If the law officers of the Crown said that no such charge was created by the clause, would the Treasury have been justified in paying it? Another course to be considered was, whether a Bill should be brought in in order to give the clerks the full amount of their salary. The Government thought that that course would not be successful, and that the clerks would not obtain by it what they expected and asked. Another course then remained—namely, that the clerks should state their case, state their grievances, state the assurances which they had received, and the expectation they had entertained, on the matter being brought before a Select Committee; and although the Government could not say, after the opinion of the law officers of the Crown, that this is a legal claim, they nevertheless could have said that they considered it a moral and equitable claim, and have asked the House to consider the circumstances with a view to satisfy that moral claim. The noble and learned Lord assumed that this Committee would be called upon to consider the question of law; but that is not so, the Committee would not have to enter on the question of law at all; for if this were a legal claim, the matter could have been sent to a legal tribunal; but if the clerks decline that course, and consider this a moral and equitable claim, then it becomes a question for consideration by a Committee of the House of Commons, and

I believe it can be better thus considered than by any other body. I have always been of opinion that the claims of losers by any legal reforms were best consulted by a Committee of the House of Commons; but before the imposition of a charge on the public, the House of Commons must be satisfied of the justness of doing so. I hope the clerks will be induced to take the course pointed out by the Government, which is prepared to support them in this as an equitable and moral claim.

LORD KINGSDOWN hoped that this discussion would facilitate the adjustment of these claims. He had the fullest confidence in the opinions of the law officers on this subject, but he did not understand what were the precise grounds on which they said the clerks had no legal claim. There were two possible grounds—the one that the language of this clause did not provide these people with compensation; or they might have proceeded on the ground that the emoluments were directed to be paid out of a distinct fund, but that there was no fund in existence out of which the emoluments to which they were entitled were to be paid. He was not aware on which of these grounds the law officers proceeded, but there was this distinction—in the one case the Act of Parliament had given them a legal right without providing a fund to satisfy it; the other view of the case was that the clause itself would not give a legal right, even if there were a fund. If the intention of the Legislature was—and there appeared no doubt that it was—that the clerks should have their emoluments and salaries, he confessed his opinion was that the proper course would have been to introduce a declaratory Act, explaining that such was the intention of the clause, although the language had not given effect to that intention. If, on the other hand, the clause was sufficient to give the right to the salaries, and no fund was provided out of which to pay them, then, of course, the House of Commons would necessarily be the authority to which to go. He was satisfied that in proposing this course it was the intention of the Government to support the moral and equitable claims of the clerks, and he contended that what the Legislature intended to do in this matter would be done readily, and that eventually this debate would assist in effecting the intentions of the Legislature.

LORD REDESDALE said, if there was any doubt about the equity of the claims, he could understand the proposal to refer

*Earl Russell*

the matter to a Select Committee of the House of Commons; but there appeared, from the conversation which had taken place, no doubt upon the subject; and if similar explanations to those which he had heard were made in the other House, the matter could be settled without reference to a Select Committee, or wasting much of the valuable time (already overtaxed) of Members of Parliament.

THE DUKE OF SOMERSET believed, the House of Commons would not listen to such a proposal so easily as the noble Lord imagined. Where the question was one of compensation for fees, the amount of those fees must necessarily be inquired into, and the fact that there were two very different returns as to the amount of the salaries and fees received, would induce them to sift the matter very carefully. The noble and learned Lord (Lord Chelmsford), while accusing his noble and learned Friend upon the Woolsack of suppression, had himself omitted to read some very important words in a letter from the Lord Chancellor to Mr. Commissioner Law, in which he stated that the law officers were of opinion that the clerks had a moral and equitable claim.

LORD CHELMSFORD: I did read the letter.

THE DUKE OF SOMERSET regretted that it should not have been heard by any one on that side of the House.

THE LORD CHANCELLOR said, that before the discussion closed he wished to correct one observation of the noble Earl (the Earl of Derby). He had not accused the clerks of the Insolvent Court of falsifying returns, but he had mentioned the great difference between two returns, as showing the difficulty in which he was placed in dealing with this matter. The return prepared in March stated the amount of fees at £3,000 and the late return at £14,000. The noble Earl had also said it was strange that he (the Lord Chancellor) had not known that the salary of the provisional assignee was only £100 a year; but the fact was, that the Bill provided that that officer should become an official assignee of the Court of Bankruptcy, and he was therefore provided for.

THE EARL OF DERBY was glad to hear that the noble and learned Lord disclaimed any intention of imputing falsification to the clerks, but thought that he was justified in supposing that such an imputation was conveyed in the terms of the noble Lord's letter which he had quoted. He had



therefore explained that the first Return to the order of the House of Commons gave the average amount of seven years, and the later return that for the last year only, and that therefore the apparent discrepancy did not justify any such imputation.

THE LORD CHANCELLOR explained, that his letter referred to the difference between the Return of March and that up to the 11th of October.

After a few words from the Earl of DERBY,

House adjourned at a quarter before Nine o'clock, to Thursday next, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Tuesday, March 18, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Inns of Court Government; Thames Embankment (North Side); Smoke Nuisance (Metropolis) Acts Amendment; Courts of Justice (Money); Fisheries (Ireland); College of Physicians (Ireland); Bastardy (Ireland).

### WEST HARTLEPOOL HARBOUR AND RAILWAY COMPANY.—PETITION.

MR. ROEBUCK said, he had a petition to present and a question to ask of the right hon. Gentleman the President of the Board of Trade. It appeared that in 1852 a railway company, called the West Hartlepool Harbour and Railway Company, was formed, and obtained an Act of Parliament, under which they had the power of borrowing £600,000, when they had raised half their share capital. It appeared that a return of their capital was made to the Board of Trade, from which it was clear that a fraud had been practised on the House. In 1854 a return was made to the Board of Trade of the shares issued and paid for amounting to £552,000. The directors in their report stated the amount at £480,110, while the sum really subscribed by the public was £287,878. In 1859 another incorrect return was made. There were a great number of other frauds charged in the petition. By the Act of Parliament the company was compelled not to have upon their direction less than five persons, but no more than four were at any time directors of that company, and for a great part of the time there were only three—Mr. Jackson, and his son, and Mr. Robert Watson, who acted as secretary as well as director. The company had since become

bankrupt. They had borrowed a very large sum of money, and they had made fictitious and fraudulent returns to that House and the Board of Trade, and thereby taken in and swindled the public to the amount of £2,000,000 of money. He now presented the petition, and wished to ask the President of the Board of Trade, Whether he was prepared to direct the Attorney General to prosecute these persons for the fraud they had committed?

MR. MILNER GIBSON said, that the attention of the Board of Trade had been called to the subject of the petition which had just been presented by the hon. and learned Gentleman opposite. The returns, the accuracy of which were impugned, were made by the company to an order of that House. The order was sent to the Board of Trade, and they communicated with the company, but whether the return was accurate or not the Board of Trade had no means of ascertaining. The petitioner alleged that the returns were false, and the solicitor to the petitioner addressed a letter some time ago to the Board of Trade, in which he made similar allegations to those contained in the petition. He (Mr. Gibson), in reply, explained that the returns made by the West Hartlepool Harbour and Railway Company were returns to an order of the House of Commons, and not to requirements of the Board of Trade, which obviously had not the means and had never assumed to verify the statements made by companies of the amount of their paid-up share capital and of their outstanding loans; and therefore if any legal criminality attached to the making of false returns to the order in question of the House of Commons, the parties making it were responsible not to the Board of Trade but to that House. Such was the purport of the answer he addressed to the solicitor of the petitioner when he made his statement to the Board of Trade.

MR. ROEBUCK then said, that he would ask the permission of the House to have the petition printed, and sent round in the Votes of the House preliminary to a Motion which he should make on the subject.

*Petition ordered to lie on the table.*

### SLAVE TRADE PAPERS.

#### QUESTION.

MR. W. E. FORSTER said, he wished to ask the Under Secretary of State for

Foreign Affairs, When he will lay upon the table of the House the Slave Trade Papers for this year?

MR. LAYARD said, that the papers were in the hands of the printers, and that he hoped they would be laid before the House by the end of next week or the beginning of the following week.

#### THE SIKHIM EXPEDITION.

##### QUESTION.

CAPTAIN STACPOOLE said, he would beg to ask the Secretary of State for India, Whether the Despatches relative to the Sikhim Expedition, in India, in February, 1861, have been received by Her Majesty's Government; and, if so, is there any objection to their being laid upon the table of the House?

SIR CHARLES WOOD said, he was not quite clear as to what the papers were to which his hon. Friend referred, but he was not aware of there being any objection to their production.

#### EXAMINATIONS ON ENTRANCE TO WOOLWICH.—QUESTION.

MR. CONINGHAM said, he wished to ask the Secretary of State for War, Why admissions to Sandhurst are not placed on the same footing as those to Woolwich—namely, competitive examination?

SIR GEORGE LEWIS said, the answer to his hon. Friend's question was this—that Woolwich was an academy for the education of officers of the Engineers and Artillery, and it was thought desirable to obtain greater securities with respect to the scientific attainments and intellectual ability of the candidates for those two services, than of candidates for regiments of the Line.

#### FOREIGN IMPORT DUTY ON SALT.

##### QUESTION.

MR. J. TOLLEMACHE said, he rose to ask the President of the Board of Trade, What steps have been taken by the Government to put an end to the virtual prohibition against the importation of English Salt into France; and whether there is a prospect of the trade in that article being placed, at an early period, on a more favourable footing, in conformity with the spirit of the French Treaty; whether instructions have been given to Her Majesty's Minister at Brussels to exercise due vigilance in obtaining from the Bel-

gian Government the measure of justice of admitting British trade to a full participation in any advantages granted to the trade of any other country; whether it is not the fact that English vessels are still excluded from the conveyance of Salt to Belgian ports, whilst France has acquired, under her late Treaty with Belgium, the right to carry Salt to Belgian Ports, in French vessels, and that they also enjoy a discount of seven per cent on the duty of 275 francs per ton levied on French Marine Salt so imported into Belgium; and whether the Government has instructed Mr. Mallet, of the Board of Trade, who is now at Berlin, to obtain permission, for the transit of Salt through the territory of the Zollverein, with bonding facilities in the Zollverein Ports for Salt, so as to enable this country to send that article up the large rivers into Poland and Russia, which countries are now, to a great extent, supplied with Austrian Salt?

MR. MILNER GIBSON said, that with regard to the first question of the hon. Gentleman, which related to the reduction of duty on Salt imported into France in conformity with the spirit of the French Treaty, he could only say that the Government had been led to hope for some time past that the Import Duties upon Salt going into France would be considerably diminished; but that the delay, they were told, had taken place in consequence of an inquiry that was being conducted in France in reference to the Excise Duty on Salt made in France, it being rendered necessary to regulate the Import Duty on Salt imported into France in reference to the Excise Duty at present levied upon Salt made in France. He should, however, make inquiries with a view of ascertaining what prospect there was of a speedy settlement of the question. With respect to the question relative to Belgium, he could only say that up to the present time the Belgian Government had not agreed to give the same treatment to England that they had extended to many other countries. There was no doubt that at the present moment our trade with Belgium was not in so advantageous a position as the trade between Belgium and France and other countries. The Government had not failed to urge that this country was entitled to be treated equally with other countries by the Belgian Government, and they hoped they should ultimately succeed in obtaining that "favoured nation" clause, which was the question



under consideration. With regard to the British flag being assimilated to the Belgian flag, in the carriage of Salt, that, he presumed, would take place as well as the assimilation to the French flag and all other flags when the "favoured nation" clause was agreed to by the Belgian Government. He was not aware that Mr. Mallet had been instructed to make any representations about Salt at Berlin. There was no opportunity to make any representations to the Prussian Government in reference to any revision of the Zollverein tariff. He therefore could not say that any definite instructions would be given to Mr. Mallet in reference to it.

#### EDUCATION—REVISED CODE.

##### QUESTION.

MR. STANHOPE said, he wished to ask the Vice President of the Committee of Council of Education, If he has endeavoured to ascertain from those Inspectors of Schools who reported of the Schools inspected in 1860 that the following subjects were taught excellently, well, or fairly:—Reading in 89 per cent, writing in 90 per cent, arithmetic in 83 per cent; whether they applied that test to the merits of the Teachers or of the Scholars; and whether, if they applied it to the Scholars, they applied it to the whole of the School or only to the upper classes?

MR. LOWE: Sir, the number of Inspectors that report to the Privy Council is about thirty-five, and it is perfectly well understood that it is not expected from them to examine every child individually. It is hardly possible—indeed, it is impossible—that they can remember the number of children that they have examined in each class in all the schools, and we have never thought it advisable to propose the questions suggested by the hon. Member.

#### GRAND JURIES (IRELAND).

##### QUESTION.

MR. BLAKE said, he wished to ask the Chief Secretary for Ireland, Whether it is his intention to introduce a Bill during the present Session for the Reform of the Grand Jury Laws in Ireland?

SIR ROBERT PEEL in reply said, that probably it was the intention of Government to introduce such a Bill. There was a good deal of business on hand at present, but after Easter he thought there was a prospect of the subject being considered.

#### EDUCATION, SCIENCE, AND ART (ESTIMATES).—RESOLUTION.

LORD HENRY LENNOX: \* No one is more aware than I am that an apology is due from me, for venturing at so early a period of the Session to take up the time of the House. But, Sir, experience has taught me, that later in the year, when there is but the skeleton of a House, and that composed chiefly of the Members of the Government, I have no chance of obtaining a fair hearing. The near approach of the sporting season, and the past labours of the Session, make the Government, naturally enough, anxious to wind up the affairs of the State, and render it impossible for any independent Member successfully to press his views on the House. I trust, therefore, that my apology will be accepted; indeed, I can assure the House, that nothing but strong conviction has induced me to draw their attention to this subject. It is a dry subject, and one which does not interest any very large section in the House, while it certainly has none of the excitement of a party struggle in it; for in trying to substantiate the indictment I am about to prefer, one, if not two of my most important, I might almost add, "impassioned" witnesses, are by no means the least distinguished of those who now occupy the Treasury Bench. My object, then, is to expose a system of expensive mismanagement, and if not to bring about any great economy, yet at all events to insure increased efficiency in the mode of administering one considerable branch of the public expenditure. There are two other reasons which I will plead as an apology for the step which I have taken; first, that there is a lull in the din of party conflict which leaves a great deal of spare time to the House; and, secondly, I am anxious to lay my views before the House previously to the introduction of that measure which the Government, I have reason to believe, meditate proposing to the House, for the separation of some of the collections in the British Museum.

Now, Sir, if the House had examined into this question, they would, I am sure, have felt with me, that the rapid and stealthy increase in the estimates for Education, Science, and Art constitutes an additional justification for bringing the matter before the House. From a valuable return which was moved for by the Member for North Warwickshire (Mr. Newdegate) it appears that the total sum expended in the last

fourteen years on Science and Art well merits the term "appalling," for it amounts to no less than £2,266,667; and that, of this, in the Estimates for 1861-2 no less a sum than £221,851 was taken, nearly half of which—namely, £106,000—was swallowed up by the three items to which I propose especially to call the attention of the House, and for the proper expenditure of which the House has not the proper guarantee of personal or individual responsibility. The three principal items to which I am about to refer appear in Vote 4 of Civil Service Estimates, and they consist of the British Historical Portrait Gallery, the National Gallery, and the British Museum. Now, in one respect, the position of all these Institutions is the same, the executive being placed in the hands of irresponsible Boards. For the Estimates of the British Museum no Minister of the Crown even professes to be responsible to this House; and in the case of the other two, the small modicum of responsibility that does exist is highly unsatisfactory, because it is both anomalous and shifting. And to this fact do I confidently attribute the mismanagement which exists.

With regard to the two Picture Galleries, the Treasury is the only recognised authority in this House. Well, I suppose I shall be asked, and what more do you want? Is not the Treasury a department of the Government, and have you not in that way got for these institutions a responsible Minister of the Crown? Well, Sir, I am afraid I am unable to accept the Treasury in such a capacity as that; for I do believe, that if there be any one doctrine more sound than another, if there be any one dogma that has on its side a greater weight of testimony, modern and less recent, than another, it is this, that the Treasury should be a controlling and not an administering body, and that any attempt to combine the two duties of checking and spending must necessarily weaken its powers of efficiency in both functions. This view of the proper duties of the Treasury is strongly laid down by Earl Russell, who, in 1854, in speaking of the position of the Commissariat of that time, administered by the Treasury, spoke in the following words:—

"Now, although the Treasury should have the general superintendence of the financial concerns of the public, there does not seem any convenience, but the contrary, in an officer of the Treasury having the regulation of the arrangement and distribution of the rations to troops. That is business which does not properly belong to a de-

partment which has the general supervision and control of the finances of the country; it is an executive function, and should rather belong to an executive Minister, such as the Secretary of State, than to the department of the Treasury."—[3 *Hansard*, cxxxv., 320.]

And, again, in the same debate, another noble Lord (Lord Herbert), whose untimely death has been lately deplored by the nation, and who at that time filled the post of Secretary of War, expressed himself as follows:—

"I think the department of the Treasury, which is a department of check, but which is not an administrative department, should not be intrusted with a duty of that kind."

And, again, when speaking of the Secretary of War being intrusted with the duties of War Office and Treasury, he says—

"If, therefore, you have him doing the duties of both departments, he ceases to have any check or control."

And further on he adds—

"If, therefore, you combine the two things, you do away with the whole system of economical control."—[3 *Hansard*, cxxxv., 335.]

But, besides these great statesmen of the present day, I have other authorities equally unexceptionable to quote. Sir Henry Parnell, in his able work on Financial Reform, published in 1830, constantly refers to and bases his arguments on the fact, that all departments are subordinate to the Treasury, and that to it rightly belongs the control over the expenditure. Then there is another work, of our own times, to which I wish to call attention. It is a work on Representative Government, and is from the pen of one whose authority will not be disputed by many of the most eminent Members of this House. This work, by Mr. John Stuart Mill, after alluding to the control which the Treasury should exercise over the other departments, goes on to say—

"There is a radical distinction between controlling the business of Government and actually doing it. The same person or body may be able to control everything, but cannot possibly do everything; and, in many cases, its control over everything will be more perfect the less it personally attempts to do."

Thus much, then, for individual authorities; but there remains one, the result of the collective wisdom of a Royal Commission. That Commission was appointed in 1837, and led to most valuable results. The Report is one for which I naturally have the most profound respect, and it thus speaks of the Treasury as an executive—

"But above all, by this change [that is, removal



of Commissariat from the Treasury] the Treasury would be relieved from business which we consider it wrong, in principle, that it should undertake, and this large branch of public service would be placed under the superintendence of the department which ought to be responsible to Parliament on all subjects connected with the army. The Treasury, being charged with the general superintendence of the finances of the country, and with the duty of controlling the expenditure of each separate department, it seems to us that when that Board also takes upon itself the management of a service involving large expenditure, it leaves its proper sphere. Whatever be the department which immediately applies the public money, in carrying on any branch of the service, the proceedings of that department ought to be subjected to the superintendence of some distinct and superior authority. But this can no longer be the case when the Treasury, to which this authority properly belongs, and over which there is in the Executive Government no higher power, assumes also those administrative functions which ought to be subordinate. This is an objection of principle to the existing arrangement which, in our opinion, should be decisive."

But, Sir, I doubt not, I shall be reminded that a sum is annually voted for the "Civil Contingencies" of the country, and that that sum is administered by the Treasury, independent of all other departments. This is quite true, but does not the very name "contingency" show that this is an exceptional case, and that it is a fund to meet "unforeseen" expenses and sudden emergencies, and certainly cannot be placed in the same categories as the large sums voted for science and art, and which have now become part of the regular and annual service of the country? The case of the Civil Contingencies, I venture to think, strengthens rather than weakens my position. It is "the exception which proves the rule," and a golden rule it is; that the Treasury should control and check, but not administer, the expenditure of the country. I will proceed to state the second cause to which I mainly attribute the mismanagement of these institutions, and that is, that they are administered by large bodies of irresponsible men. Now, Sir, as in the very nature of the subject with which I am dealing, there must be much of a personal matter, I am anxious, before I go any further, to disclaim any intention of saying one word which can be considered disrespectful to any one of the distinguished men who compose these bodies. And, Sir, perhaps I cannot give to the House a better assurance of this, than by calling attention to the fact, Mr. Speaker, that your honoured name stands foremost among the trustees of the British Museum. No one, indeed,

can deny that these boards contain all that is most remarkable for intellectual attainments, and high social position; but that very fact would lead to the belief that they must have their time fully occupied with their own affairs, and have proportionably less time to give to the duties in question. I am about to speak of them as being members of an irresponsible corporation, and to denounce the system of which they are, I doubt not, the able exponents. Well then, Sir, my position is this, that boards as executive bodies, are wrong in principle; and have been condemned, as such, in all times, and by great authorities. Sir Henry Parnell, in his work on *Excise Inquiry*, declared that they deprive the public of the security of personal responsibility, and that the responsibility of a board, *quasi* board, is worthless; and, again, says Jeremy Bentham, "Why, a board, my Lord, is a screen, a screen to hide abuse in every shape; what is everybody's business is nobody's business." And Stuart Mill, likewise, in glowing terms corroborates the opinions of Parnell and Bentham. But, Sir, I have another, and, if possible, a more valuable witness, whom I should like to call into court, especially when I come to deal with the question of the British Museum. Deeply do I regret that my hon. Friend the Under Secretary for Foreign Affairs (Mr. Layard) valuable as his services will undoubtedly prove to the country, had not delayed taking office for a few months, as in that case the Motion which I am about to make would have had the advantage of being backed by his own eloquence, and supported by the high authority of his long experience in subjects of this nature.

Well, Sir, in addition to all the eminent writers and statesmen whose opinions I have given, I find further confirmation of the views which I urge in the acts of the Legislature itself; and I think I shall be able conclusively to show, that the tendency of legislation for the last forty years has been to increase personal and individual responsibility, and to repudiate the authority of boards as an executive. The first case to which I will refer is the navy: in 1832, Sir James Graham—whose lamented death, for his wise counsels and administrative ability, has left a gap in this House not easy to fill—came down and proposed to simplify the cumbrous machinery by which the navy was then governed. Up to that time it consisted of three numerous boards, and Sir James,

in his able speech, which proposed to sweep away two of these, and to re-model the third, produced considerable effect in the House, by proving that the principle which he advocated was not a new one—

“Turn,” said the right hon. Baronet, “to Mr. Pepps’ memoirs, in which book it was stated, that James II., then Duke of York, on his appointment to the office of Lord High Admiral, found himself compelled to dismiss these subordinate boards, and with the assistance of four commissioners, united the whole control of the civil administration of the navy in his own hands. The effects of this alteration were almost immediately visible; it was the first dawning of that brighter era which was followed by the splendour which had since encompassed the navy of Great Britain, and had at length raised it to that pinnacle of glory, where it had since remained the envy and wonder of surrounding nations.”—[3 *Hansard*, x. 350.]

Then, Sir, came the case of the Record Commission, and to this I wish more particularly to call the attention of my right hon. Friend the Member for Cambridge University (Mr. Walpole), and the other Trustees of the British Museum who may have seats in this House. Well, that Commission was constituted very much like the British Museum; the Trustees consisted of the great officers of State, and of the most eminent men in the country. For some time, public attention had been drawn to the administration of this body, and the feeling that it had been mismanaged was general; but, at the same time, there was but little hope of being able to effect a reform, on account of the power and influence of the governing body. Thus matters stood in 1836, when Mr. Charles Buller moved for and obtained a Committee to inquire into the whole matter; clear evidence of this mismanagement was adduced, and so strong was the report of the Committee, that justice triumphed over wealth and influence, the Trustees were abolished, and the whole thing was placed, as Mr. Buller recommended, under an effective and responsible management. I will next allude to the case of the Schools of Design. These were originally called into existence by the recommendation of a Select Committee, which sat in 1837, under the presidency of Mr. Ewart. At the outset, Government officers were allowed to attend the meetings of the Boards, but had no distinct authority. This system, as might naturally have been expected, failed, and in 1850 another Select Committee was appointed, over which the right hon. Gentleman the Member for Ashton-under-Lyne (Mr. Milner Gibson) presided; the report of this Committee

led to further modifications, but they did not meet the wants of the case; subsequently Mr. Labouchere (now Lord Taunton) began a reform, and in 1852 my right hon. Friend, Mr. Henley, Member for Oxfordshire, at that time President of the Board of Trade, swept away the previous management and placed it under a responsible Minister of the Crown, the President of the Board of Trade, from whose department it has since been removed to the Committee of Council on Education, and has formed the nucleus of that collection which is now familiarly known under the euphonious title of the “Brompton Boilers.”

Then, again, Sir, there is the case of the Poor Law Commission. Up to the year 1846, the Poor Laws had been administered by a body of irresponsible Commissioners, not having seats in Parliament. During the distress, which was at that time rife in the country, the great inconvenience of this system was felt, and the Government of Lord John Russell successfully grappled with the difficulty. A Bill was passed which, by placing two officers of the Poor Law Board in Parliament, virtually brought the whole distribution and management of the Poor Law funds under the direct control of the House of Commons. Since that time we have heard nothing of those unseemly charges which were formerly made against the manner of administering the Poor Law funds. This change was advocated in the House of Commons by the late Mr. Hume, by Lord Harry Vane, by the late Sir James Graham, expressly on the ground of the necessity of securing personal responsibility; and Sir George Grey further adduced as a reason for the alteration proposed, the great inconvenience that arose from the impossibility of obtaining any information, excepting at second hand, and from the very person whose judgment and discretion might be called in question. Well, Sir, that same inconvenience exists, in an exaggerated degree, in the case of the Art Institutions of this country at the present day. Take for example the National Gallery, and let us suppose that an hon. Member objects to some administrative act of Sir Charles Eastlake, either in regard to the sum given, or to the merits of any particular picture: what happens? Why, Sir, up jumps the Secretary of the Treasury, or the Chancellor of the Exchequer, and professes, naturally enough, profound ignorance of the matter, but promises to write for further information. When next

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the subject comes on, the hon. Member receives the comforting assurance that a reply has been received from the Director of the National Gallery, and that all that had been done by him, had been done and was for the best.

But, Sir, one of the most important of the changes that has been made in this direction, was that which was made in the army departments in 1854. Up to that period, although a Committee had strongly reported twenty years before, the army administration remained in the hands of four or five different Members of the Government; there was the Secretary at War, the Secretary of the Colonies, the Master General of the Ordnance, the Paymaster of the Forces, the Commander-in-Chief, and our old friend the Treasury, and they had each and all a finger in the military pie. The unhappy war with Russia, which at that period broke out, drew closer attention to the matter, and at length, after twenty years, the recommendations of the commission were carried out, the administration of the Commissariat was removed from the Treasury, and a Secretary of State for War was created, who, with the assistance of an Under Secretary, now administers the affairs of the army, proposes the Estimates, and lays before Parliament any information that may be required. Well, Sir, then I come next to the Indian Empire. Up to the year 1858 there existed for that magnificent dependency a double Government, which shifted the blame from one to another. The President of the Board of Control, who should have been responsible to Parliament, was constantly thwarted, and his authority for a time set at nought by a body of irresponsible merchants sitting in Leadenhall Street. The absurdity of this was patent. The new India Bill was introduced, and, as the House is well aware, the whole responsibility and power was vested in the Secretary of State. It is true he is assisted in deliberation by a Board of eighteen councillors, but they are merely for deliberative purposes, and the voices of the whole eighteen can be overruled by the *ipse dixit* of the Secretary of State; indeed, I am told, that at the present time they are not even asked for their advice, but are merely puppets, in the despotic clutch of the right hon. Baronet the Secretary of State for India (Sir Charles Wood), who, it appears, thinks the best way to govern India is to listen to his own advice and not to that of

his council. That right hon. Baronet, by all accounts, appears to treat them as if they owed their existence rather to the power of vested interests in impeding the passing of a useful measure, than to any specific merits of their own. But, Sir, besides the instances to which I have referred, the recent case of the Education Commission furnishes me with another illustration of the advantages of the course which I am about to ask the House to sanction in the case of the Art Institutions. And, Sir, I must once more direct the especial attention of my right hon. Friend the Member for Cambridge University (Mr. Walpole), to the facts which I am about to lay before the House. Originally, every Member of the Cabinet had, *ex officio*, a seat at the Education Board, but yet there was no individual official responsibility. What was every one's business was no one's business; and we owe it to the sagacity and intelligence of my right hon. Friend the Member for Droitwich, that that system was put an end to. A Vice President of the Committee of Council is now present in this House, whose duties, I have no doubt, the right hon. Member for Calne (Mr. Lowe) could tell us, are, as far as supplying varied information, no sinecure at the present day. There have been many smaller changes, and redistributions, made in the various offices of the State in the last few years, but all tending in the same direction.

Well, Sir, I hope I have now proved to the House this fact, that the whole tendency of modern legislation has been to sweep away Boards, as executive, and to increase personal and individual responsibility. It is scarcely necessary to guard myself against misapprehension, by stating that it is only as an executive, that I wish to repudiate Boards. "In the multitude of counsellors is wisdom," and as deliberative or consultative bodies they have most useful and valuable duties to perform. Nor do I think the three institutions to which I am about to call attention ought alone to be excepted from the category of changes effected. The first of those institutions to which I will particularly advert, is one which may be considered as a mere "flea-bite," so far as the actual money, as yet expended upon it, is concerned; but the amount of the Vote does not in any way weaken the case, inasmuch as the principle remains intact. The British Historical Portrait Gallery is as yet in its infancy, and, with the marvellous facilities for increasing

that these Votes have lately displayed, we need not despair of seeing even this small objection disappear. It is managed by a body of Trustees, whose names would, in themselves, appear to bespeak confidence; for among them, besides the usual display of high officials, are to be found the names of the right hon. Member for Buckinghamshire (Mr. Disraeli), the noble Lord the Member for Stamford (Lord Robert Cecil), Earl Stanhope, the noble Lord the Member for Lynn Regis (Lord Stanley), and some of the most distinguished men in the country. I cannot, however, see that the result of its management is in any way satisfactory. I have tried on two or three occasions to visit it, and on the last I was fortunate enough to find it open to the public. The brass plate on the door of the building, announcing the existence of the pictures within, is so infinitesimally small as not to be very likely to attract much notice, except from eager lovers of art, whose eyes are as keen as their taste for pictures. Having, however, by perseverance, at length gained my point, I found that the collection consisted in all of about 120 "works of art"—drawings, busts, and paintings!—for "works of art," I suppose, in courtesy I must call them. They are exhibited, in dimly-lighted, ill-arranged rooms. Of the 120 "works of art," about 42 are gifts; therefore there remain 80 that have been purchased, since its establishment in 1856. But these paintings, are mostly by unknown artists, and are of more than doubtful authenticity, even as to the subject represented; detailed information concerning which is conveyed by means of catalogues, modestly charged at 1s. 6d. each. I may add, that the collection is open only twice a week, after mid-day. On my return to the House of Commons, I was anxious to see whether all these details were laid before it; and in the library I looked for what information was contained with respect to them in the Estimates. From those valuable documents I learned that for the first three years the public had been altogether excluded; that during the next two years admission was by tickets, obtainable from certain booksellers in London; and that during the last year the public had been admitted—as they ought to be—free! I next found, that the first Vote for them was taken in 1856-7, and that the House was then promised a collection of historic portraits, in aid of which a Vote should annually be proposed to Par-

liament. After a year or two, the Trustees, in a fit of extreme generosity, promised to lay an annual report before Parliament. To those reports I eagerly addressed myself, and I found that they, after allowing that the public had been admitted during one year only, and that the rooms were too small to exhibit the largest of the pictures, generally wound up by begging that Parliament would not ask the price given for the pictures that had been bought, and by at the same time expressing a hope that, seeing the great results that had ensued from the experiment, the House would not refuse to continue the same generous assistance that it had hitherto done. These then, Sir, are the benefits which the public enjoy from the sums that have been voted in aid of the British Historical Portrait Gallery. But no, Sir, it is not quite all. I had well-nigh forgotten that, in addition, there is the gratifying fact that we have a Secretary, a gentleman no doubt of great eminence, who occupies the upper stories of this genteel residence in Great George Street, and whose "dignified repose" is only intruded upon by the inquisitorial public to the extent of eight hours a week.

Well, Sir, and now I come to the National Gallery, and certainly the management of that Institution was not in a satisfactory state; at the same time, I am willing to admit the salutary nature of the change which was made a few years ago by reducing the number of the executive Board. There is, however, still a shifting and uncertain responsibility: at one time it is the Director and the Trustees, and at another it is the Treasury. The Estimates are moved by the Chancellor of the Exchequer, while the Chief Commissioner of Works is responsible for the brick and mortar work; and certainly, considering the shifting evasions and vague replies given last year by the Commissioner of Works to hon. Gentlemen, and myself especially, respecting recent alterations and so-called improvements in the National Gallery, the House will well understand why I shall not at the close of my speech recommend placing these valuable institutions under the control of the Board of Works. I will not, on the present occasion, trouble the House with any remarks on the continued occupation by the Royal Academy of the building in Trafalgar Square. So many Committees and Commissions, and Ministers past and present, have declared against it, that it would be



a mere waste of time to make any lengthened observations upon it. What I want is to show to the House the unsatisfactory, because shifting, nature of the responsibility which exists with respect to the National Gallery. I will take, first of all, the purchase of pictures; and here the House will permit me to repeat what I have already said in a more general form, that it is far from my intention to say anything which can be considered disrespectful to Sir Charles Eastlake. I am not sufficiently experienced and acquainted with art to put myself in opposition to that gentleman. Good judges have assured me that Sir Charles has been indefatigable in the work of collecting for the National Gallery, and by his zeal, taste, and judgment, he has done good service to the cause of art in this country. It is not Sir Charles Eastlake, but the system of shifting responsibility, to which I wish my censures to apply.

In 1855-6 a collection of paintings of the German school, known as the Krüger Collection, was for sale, and the then Chancellor of the Exchequer, the right hon. Gentleman the Member for the University of Oxford, sent two gentlemen over to Hanover to look at the pictures. The gentlemen thus commissioned not only looked at, but bought the pictures, and they were brought to England, but the purchase was in the mass repudiated by the Director and the Trustees of the National Gallery, because the greater part of the paintings were mere rubbish. In order, I suppose, to let down the taxpayers easy, a few of the best of them were hung up in the National Gallery; some were sent to Ireland—as a measure, I presume of justice to Ireland; and the rest were sold for an old song. Certainly, this time, the Director and Trustees could not be held responsible for the purchase of this collection. Now, in 1857-8 there was another purchase, and this time the picture was reputed to be a Paul Veronese. Into the merits or demerits of that picture it is not my intention to enter; but in passing I may remark that, while the picture was declared by the official journal of Venice to be worth £300, they gave £2,000 for it. Be that as it may, the hon. Member for Brighton, an authority in these matters, doubted the wisdom and policy of that purchase, and asked the Treasury who was responsible for it. Mr. Wilson, at that time holding the post of Secretary of the Treasury,

replied with some warmth that Sir Charles Eastlake and the Trustees of the National Gallery were alone responsible, and certainly not any department of the Government. Here is a striking illustration of the shifting nature of the responsibility. It was known to the Government at the time when Sir Charles Eastlake took the post of the Director of the National Gallery, that he boldly avowed he would not be responsible for any pictures except those of the Italian school. On whose taste we were to rely for the purchase of pictures of other schools did not appear to be so clear. The next case was also one in which the hon. Member for Brighton figured. In 1859 the hon. Member called attention to impolitic purchases of pictures, and, above all, to the general mismanagement of the National Gallery under Sir Charles Eastlake and the Trustees. He was informed by the Chancellor of the Exchequer that he had chosen a wrong time for his strictures; that the management of the National Gallery was regulated by a Treasury Minute passed in 1855; that the five years during which the Minute was to remain in force were almost run out; and that the date of their expiration would be the proper time for considering the whole matter. In the following session, after the Treasury Minute had ceased to exist, the hon. Member for Brighton again attempted to raise a discussion on the appointment of Sir Charles Eastlake. What was then the answer of the Chancellor of the Exchequer? “Oh!” said the right hon. Gentleman, “it is quite true that the Treasury Minute has run out, but it is quite useless to discuss the matter, for the Government have renewed it in its old shape;” and in this summary manner the hon. Member for Brighton was put down. Could a stronger proof be adduced of the utter want of anything like settled or individual responsibility? On that occasion the hon. Member for Brighton was not altogether satisfied with the statement of the Chancellor of the Exchequer; but the noble Lord at the head of the Government got up, and, in his usual felicitous way, told the House that the Trustees had re-elected Sir Charles Eastlake, and that the Treasury had only confirmed the appointment. This is an illustration of the double government of the National Gallery. I admit, however, that the case of the National Gallery is better than that of the British Museum, because, in the first place, the Board of

Trustees are less numerous, and because, in the second place, the Director and Trustees are nominated by the Treasury. Only the other day a friend said to me, "Why, what more perfect control do you want? Don't you know the control which the Treasury has over the National Gallery? Why, the accounts of the National Gallery are all audited at the Audit Office." What an awkward fact was this! Here, thought I to myself, is an end of my case against the management of the National Gallery. If I wish to make any impression on the House, I must put it all by, and must set to work and try to take up some other subject. But when I heard the speech of the noble Lord the Member for Huntingdonshire the other night, my attention was called to the duties of the Audit Office, and I remembered that that office was always subordinate to the Treasury, and that accounts which it disallowed were frequently passed by the superior authority. I came, then, to the conclusion, that the check afforded by the audit of the National Gallery accounts was not so satisfactory after all. Common sense, indeed, will tell one, that if the Treasury frame the Estimates, and have power to authorize them, it will not be likely to alter them at the instance of an authority subordinate to its own; therefore I felt I could not do better than proceed with my Motion. This, Sir, is not the proper moment to dwell upon the part played by the Board of Works. So wanton a system of mismanagement and extravagance deserves to have a whole evening to itself, and I hope the Session will not be allowed to pass without a thorough and searching discussion. Meanwhile, I entreat the House to assist those who wish to make the Government bring forward the votes for public works at a period of the Session when they can be fairly and freely discussed, and not at the advent of the grouse season, when the illustrious Gentlemen on the Treasury Bench are left much to themselves. Those who remember the manner in which questions on these subjects have been treated by the Chief Commissioner, and the shifty evasions with which one is systematically put off, will not wonder when I aver that I shall not conclude my speech by a proposal to place these valuable institutions under the management of the Board of Works.

The case of the British Museum, which I now approach, is rather an alarming one. If I may judge from the the terror which my proposal has excited in the lobbies, I

could almost be tempted to suppose that it was of that radical and revolutionary nature which the Chancellor of the Exchequer said in 1860 could alone meet the difficulties and necessities of the case. I hope to prove, however, that I am not so revolutionary in my designs as either the Chancellor of the Exchequer or the Under-Secretary for Foreign Affairs. There is an old saying that the State of Denmark is rotten, and I believe, Sir, that the management of the British Museum is much in the same condition. It has hitherto been viewed with superstitious awe, but I firmly believe that under the influence of a little daylight that pompous fragment will crumble away as easily as did the Record Commission of former times. Now, Sir, I hope hon. Gentlemen with whom I have conversed in the lobbies will not take it personal to themselves, if I say, that it is quite surprising the amount of ignorance which exists with respect to the British Museum, even among those Members who profess to take an interest in these subjects. Considering that it has cost the country since its formation £3,000,000 or £4,000,000, it is astonishing that the Gentlemen whom I see around me, and who represent the taxpayers of this country, should not have made themselves a little better acquainted with the origin and position of that great institution. First of all, then, the British Museum did not originate in a gift or legacy, but was founded at the beginning of the last century by means of a lottery. The Government of that day issued lottery tickets to the amount of £300,000. Prizes of moderate value were offered, and a large sum was obtained; with the £20,000 thus realized a purchase was made of Sir Hugh Sloane's collection of books and curiosities then located at Chelsea; and it was this, not any gift or legacy, which formed the nucleus of the Museum; and, Sir, this is an important fact for the House to bear in mind. The first Act of Parliament handed this collection over "for conservation" to a numerous body of trustees; but even at that early period this was thought a cumbrous machinery for a governing body, and a standing committee was appointed. To show how little attention at that period was paid to this matter, I will read to the House the title of the second attempt that was made at legislating for the British Museum. The title of the Act of George II. ran thus—

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"An Act to prevent the destruction of turnpikes and other works erected by order of Parliament: to frame the table of fees to be taken by the clerks of justices of the peace; for empowering a certain number of Trustees of the British Museum to do certain acts; and to prevent certain persons driving certain carriages, from riding upon said carriages."

The statutes under which the Museum was managed had been renewed eight or ten times in 1785, 1804-8-14-33-39, and various committees and commissions had sat on the subject. It would appear that dissatisfaction as to the state of matters had existed for some time, when in 1835 a Select Committee was appointed by the House of Commons. That Committee consisted of many of the leading Members of the House at that period, including Lord John Russell, Lord Morpeth (now Earl of Carlisle), the late Sir Robert Inglis, and others. At the end of the Session of 1835 they presented a voluminous blue-book, and asked for leave to sit again in the next Session. The result was, that in 1836 they presented a second even more ponderous blue-book, with a Report, not so decided as the later ones, but expressing an opinion in favour of a less numerous governing body and strongly urging that the post of Secretary Librarian should be abolished. This was followed by another Select Committee in 1838; and in June, 1847, a Royal Commission was appointed; and in 1848, "considering the various and grave subjects to be inquired into," a supplementary and more numerous Commission was appointed, containing the names of some of the most illustrious in learning and literature. The late Earl of Ellesmere, Viscount Canning, Roderick Murchison, Joseph Hume, Samuel Rogers, Lord Langdale, Monckton Milnes, and John Shaw Lefevre served on that Commission. Evidence was taken with praiseworthy patience, and in 1850 the result was communicated to both Houses in the shape of a very able and strongly-worded Report, and the 900 pages of evidence on the strength of which that Report was founded. It was signed by all the Commissioners excepting one, the late Lord Langdale, who entered a protest against this strong Report for not being strong enough. But even these inquiries did not satisfy the country, and in 1860 another Select Committee was appointed at the instance of Mr. Gregory, and before which some most valuable information was adduced.

Now, if I wished to take my stand on any ordinary ground, I might say here was

a *prima facie* case of mismanagement, evidenced by the number of inquiries which had been instituted and the strongly-worded reports which had resulted from them. I hope the House will not be alarmed at the mention of all these blue-books; for knowing well how much the sight of one of them prejudices the House against any case, I have so arranged that nothing of the kind shall appear, and will ask in return the indulgence of the House, while I give them a few short extracts from them, and which I have transcribed into the unpretending volume which I hold in my hand. Now, want of time will not allow me to enter into any minute details to show the unsatisfactory state of the management of the British Museum; but I think the House will agree with me that I shall have sufficiently established my case, if I can show that I am corroborated by the report of the Royal Commission of 1850, and at a later period by the evidence of several eminent men, Members of this House, and others; and, finally, by the evidence of all the principal officers in the British Museum, adduced before the Committee of 1860. Let us, then, examine the Report of the Commission of 1850; and first we shall see the conclusions they arrived at, and secondly the remedies which they propose for such a state of things. The very first words contain a graceful tribute to the individual merits of those who compose the Board of Trustees; a sentiment with which I entirely coincide, and which, in feeble language, I have conveyed to the House regarding those who compose the executive in the three great Art Institutions of the country—

"Such a Board of Trustees, to any one who considers the individuals who compose it, with reference to their rank, intelligence, and ability, would give assurance rather than promise of the most unexceptionable, and, indeed, wisest administration in every department. High attainments in literature and in science, great knowledge and experience of the world and its affairs, and practised habits of business, distinguish many of them in an eminent degree; and it would be unjust either to deny the interest which all of them feel in the prosperity of the Institution, or refrain from acknowledging the devoted services which some of them have rendered in its administration. But, on the other hand, absorbing public cares, professional avocations, and the pursuits of private life, must in many instances, prevent those individuals whose assistance might have been best relied on, from giving anything like continued attention to the affairs of the Institution; and, what is perhaps of more importance, the large number of the Board, by dividing, or rather extinguishing, individual duty or responsibility, has

in a great measure, interfered with the superintendence and control which might have been usefully exercised by any smaller selected number specially charged with the duty. The inconvenience likely to result from the affairs of the Museum being devolved upon so large a Board, appears to have been felt at a very early period."

Again—

"It is not surprising that, in such circumstances, the Standing Committee should have been confounded with the general Board, without any practical distinction between their functions, and that the actual management of the Museum should have devolved upon a fluctuating Board, having no special charge, nor direct personal responsibility; and all this in constant disregard of that precaution which the Trustees very wisely established against themselves, by throwing the ordinary business of the Museum upon a portion of their number, specially appointed and accepting."

And again—

"To return to the Standing Committee, or to the Board of Trustees—for these may be spoken of together—the course of conducting business is, unfortunately, calculated not to correct, but to aggravate, the inconvenience."

And further on occurs the following remarkable passage, to which I beg the especial attention of the House:—

"On the whole, the conclusion has been forced upon us, that the mode in which the Trustees have exercised their functions of government in the Museum has not been satisfactory; and that the inconveniences arising from so great a number of Trustees, and from the fluctuating nature of the Board, have been increased by the neglect of such precautions as, with reference to the accustomed modes of transacting business, we should expect to find strictly in observance. However admirably qualified the Trustees may be individually for the transaction of business, it is impossible to expect satisfaction in the conduct of their affairs, where they act not by a selected number, but at meetings—which they are left to attend as they please, and as leisure and inclination serve—to which they are called by summons announcing the time of meeting merely, but giving no notice of the business—at which business of great importance to departments is conducted without direct and personal intercourse with the officers at the heads of the departments, and in a manner so cumbrous and fatiguing as to be hostile alike to good decision and despatch."

And the remedy which the Commissioners proposed to apply, was given in the following words:—

"With respect to the executive management, your Commissioners are unanimously of opinion that a change should be adopted, involving the abolition of the offices of principal librarian and of Secretary as they now exist, and the establishment of a responsible Executive Council."

Two plans were suggested for carrying out this reform. The one proposes that the Executive Council should consist of seven—the chairman and two members being named, and the two latter paid, by the Crown; the remaining four to be

named by the Trustees. The second plan was, that the council should consist of five—the chairman nominated and paid by the Crown, and four unpaid assistants. Both these projects were recommended with the distinct purpose of "increasing direct and personal responsibility." But as I have said, this Report was not unanimous, and Lord Langdale entered a protest in forcible language, against what he considered was too feeble an expression of opinion. Well, this Report, like preceding ones and the protest, remained almost a dead letter. It was not to be expected that the Trustees would set to work to reform themselves; and the several Governments were either too supine or too timorous to attack so much wealth, power, and influence. The result would seem to have been, that mismanagement had gone on from bad to worse. In 1859, a gentleman, who was a great authority on this subject, Mr. Gregoy, described the British Museum as being in a state of "hopeless confusion, and that valuable collections were wholly hidden from the public, and great portions of others in danger of being destroyed by damp and neglect;" while Lord Elcho spoke of its being "highly discreditable." And besides these authorities, we had the invaluable testimony of a distinguished foreigner, who has paid great attention to the condition and management of our Art Institutions. The Baron Triqueti, an eminent French sculptor, in a letter written in 1860 to the Chancellor of the Exchequer (Mr. Gladstone), thus describes the state in which he found the British Museum—

"You might offer for study an admirable and complete collection; but all these elements are scattered or confused . . . arranged without chronological order . . . without any logical arrangement; and all this because the *locale* is filled up with a curious and reprehensible mixture between art and natural science; and although no reason can be given for the continuance of the system, this confusion still subsists, notwithstanding that every person of taste is struck with its inconvenience."

Again—

"Whence comes it that with a nation the most gifted with common sense and love of order, so much reckless confusion should prevail, and, as it appears, prevail in this department of art and science alone?"

Finally, there is the Committee appointed at the instance of the hon. Member for Galway, to inquire whether any separation should be made in the collections at the Museum, and, as I have said, I find in that evidence the most ample corroboration of my views. The report, it is true, was

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silent as to management or mismanagement, but that was because it was considered not to come within the limits of the object for which the inquiry had been instituted. I find that almost every one of the servants of the British Museum gave, in strong terms, an opinion that some reform was necessary in the constitution and management of the Museum. Professor Maskelyne said, "The Trustees should become a Board of Visitors." Again, "The Trustees should be more as a consultative than an administrative body." Professor Huxley, in 1860, said—

"The Trustees should merely have the power of approving or disapproving in particular cases; that they should exercise a certain general control as a Board of Visitors."

Professor Hawkins, after complaining that the Trustees frequently act on the advice and use the services of a gentleman not on the staff of the Museum, to the exclusion of the head of that department, goes on to say, "that he sees no improvement in the policy of the Trustees since the report of the Commission of 1850." He adds, as a result of the system, "that the arrangement of the Elgin Marbles has remained incomplete for four years, owing to a squabble between the Trustees." He next expresses his conviction that one responsible head would be a better and more efficient government for the Museum. He further states, in exemplification, that he wishes the British Museum were like that at South Kensington, where a moot question is referred to a Minister of State, an answer is returned and acted upon without delay; and winds up by saying: "I do not wish to supersede Trustees as visitors, but wish them to act as a consulting body." Baron Triqueti says—

"From this spring those eccentric decisions, these daily contradictions, these questions settled, and unsettled, and this absence of progress inevitable, which all the world (except a few of the Trustees) knows to be the true history of your Board of Trustees. If I were able to say all that has been confided to me, and which, indeed, public rumour has already revealed, it would be easy to prove that this system of administration is a complete obstacle to all improvements."

But all these authorities become insignificant when [contrasted with that to which I am about to call the attention of the House. It is the testimony of one who has not only given great attention to the affairs of, but has himself contributed largely to the treasures of the British Museum. My hon. Friend (Mr. Layard) thus speaks: after objecting to the system of

management, he goes on to say: "The building selected [by that management] is the worst that could have been devised." And again—

"I think, in principle, such a Board as the Trustees is wrong, although much may be said in its favour; and I think that the principle is so essentially wrong, that public opinion must ultimately come to the conclusion that it is wrong and not right."

And again—

"In the British Museum the vices of the system are fully exemplified, more especially at the present time, when certain Trustees are supposed to represent the various antagonistic interests of the Antiquities, the Library, and the Natural History. I always thought highly of Panizzi, but with curtailed power and responsibility it would be impossible for him properly to manage such a vast institution. The result of this division of authority and want of method is a constant disagreement and rivalry between the different departments, arising from some real or presumed sacrifice of one to the other."

And again—

"I do not object to a Board of Trustees, if you like to call them so, to see that certain bequeathed collections are properly taken care of. I see no objection to a Board of Control, but having no authority in the actual administration."

And when further pressed by an hon. Friend of mine (Mr. Monckton Milnes), who asked him, "Do you think any practical evil has resulted from the present condition of the administration of the British Museum?" the answer was a brief but decided one—"Yes." Such is the testimony of the ablest authority that exists upon this subject.

Now, Sir, much stress has been laid on the fact that the National Gallery Estimates are audited by the Board of Audit, and I have ventured to assert, that considering by whom those Estimates are authorized, it is not a fact of any importance. But, Sir, in the case of the British Museum not even this small modicum of check exists. The Estimates are drawn up by the Trustees of the British Museum, they are not audited by the Audit Office, nor is there any further check upon the appropriation of the money voted than may be involved in the presentation of a yearly account to Parliament. The next point to which I wish, Sir, to advert, is to the vehicle by which, and the manner in which the Estimates for the British Museum are laid before this House. They are presented by a private Member of the House and not by a responsible Minister of the Crown. Now, Sir, I confess I feel, and always have felt, that this practice of a private Member (however dis-

tinguished he may be) moving the Estimates, is in the highest degree anomalous, inconvenient, and unconstitutional. I doubt not, that in the instance of the British Museum, it is brought within the form, but I confidently assert that it must remain antagonistic to the spirit, of the Constitution. That it is inconvenient all must admit, when we remember that we may express our gratitude to, but we cannot censure, this distinguished volunteer. Well, Sir, then as to the shape in which the Estimates are presented to this House. It would seem that up to last year, they have appeared under three different heads. The first was for "British Museum Establishment, &c. &c.;" it was moved by a Trustee, being a private and irresponsible Member of this House: the gross sum was given, but no details were vouchsafed: the second was for "British Museum Buildings," which was moved for by the Chief Commissioner of Works: and the third for "British Museum Purchases," was moved for by our old friend the Treasury. Well, then, Sir, the House will see that over the two latter items they had some control, however inconvenient a one it might be in form. That inconvenience was felt, and last year the whole sum and the details of it were embodied in one Estimate, which was and is moved by "the irresponsible Trustee." So that, although in form it is more convenient, the present system is in fact a retrograde move, for it removes from the House even that control which it had over two items of expenditure in the British Museum.

But it is not only in a constitutional point of view that I object to the moving of the Estimates by a private Member of the House; for in practice it is most inconvenient, as furnishing an additional fold in "the screen of irresponsibility," behind which the Trustees find shelter when they wish to disregard the expressed wishes of the House of Commons. In order to illustrate this more clearly, I will take two instances of the way in which those wishes have been treated by the Trustees of the British Museum. It was in 1858 that a general wish was expressed in the House of Commons, that increased facilities should be given to the working classes for visiting the Museum; two extra days were named, and a suggestion was made that it should be opened occasionally in the evening. The answer to these expressed wishes, Earl Russell, then Lord John Russell, communicated to the House when moving

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the Estimates the following year. The answer was not an elaborate one, and consisted of an expression of regret that the Trustees could not comply with the wishes of the House of Commons. In 1860, when money was asked for the British Museum, the same expression of opinion took place, and a chorus of hon. Members requested that increased facilities for visiting the Museum should be afforded to the working classes. Well, Sir, at that time it fell to my right hon. Friend the Member for Cambridge University (Mr. Walpole) to reply, and, as the House will readily believe, there was no one who could convey a refusal in more pleasant terms than he could; and accordingly he assured the House that—

"It was his duty to collect the suggestions that were made in that House when the Estimate was brought forward, and to lay that suggestion before the Trustees."

Now, Sir, I confess I was very much struck with the nature of that reply, and I remember saying to myself:—It is all very well, laying suggestions before the Trustees; but is it they, or is it the House of Commons, that is to provide the required £80,000? because, if it be the latter, I cannot but think that it is rather for the House of Commons to mention their wishes, and for the Trustees of the British Museum at once to carry them out. And now, Sir, let us see how differently matters turn out where you have a responsible Minister of the Crown to deal with. It was during last summer, that the Vice President of the Council asked for the annual pecuniary grant to the Royal Dublin Society. On all sides, it was admitted that it was a valuable and useful society; but my hon. Friend the Member for Galway (Mr. Gregory) complained that the Council had repeatedly refused to open their gardens at Glasnevin on Sunday afternoons to the public. A discussion took place, and it was eventually decided that the Vice President should officially inform the Council of the Society, that if they did not defer to the expressed wishes of the House of Commons, the subsidy would be withdrawn. That course was adopted, and the result was that the religious scruples of the Council vanished, and the gates of Glasnevin gardens were thrown open to the public. If, Sir, I would ask the House, instead of having a responsible Minister to look to in that case, we had had one of my hon. Friends the Members of the City of Dublin moving that Vote, and in charge of



the question, was it likely that the same result would have ensued? I trow not! No! the House would have been assured, in general terms, that its wishes should be laid before the Council of the Society, and nothing more would have come of it.

And now, Sir, I confess to feeling something akin to terror in approaching my next point; for by this time I have traversed the gloomy passages, and I find myself at the door of the Board Room! face to face with that "very incarnation of irresponsibility," the Board of Trustees itself! It certainly is an alarming prospect to attack that most powerful body, entrenched as it is in a citadel fortified by long occupation, and by supposed prescriptive right! Well might many a one say to me, "What is the use of so humble an individual as yourself attempting to dislodge so much power, wealth, and influence?" But, Sir, I turned my thoughts to ancient history, and I said, if David was able with sling and stone to destroy the giant Goliath, why should not I, with my sling full of truth and facts, attempt to make some impression even on the armour of this hitherto impenetrable body? The Trustees of the British Museum are composed of three classes. The first of them are styled *ex-officio* Trustees, and include the Archbishop of Canterbury, the Speaker of the House of Commons, the Chancellor of the Exchequer, and two or three leading Members of the Government. It may indeed be questioned, whether efficiency is secured by placing on the Board of Trustees the very men who are already fully occupied with the most arduous duties, both political, civil, and religious. The Committee which sat on the Record Commission thought not, and I agree entirely with the words of that Report. It may be said that as Members of the Government are to be found among the *ex-officio* Trustees, that therefore we have got Parliamentary responsibility. That, however, I maintain is an entire fallacy. Look at the Board of Education. Why, every member of the Cabinet was until lately a member of that Board, and yet it had been felt by the House that a responsibility divided amongst so many, was in fact tantamount to none at all. So, practically speaking, and excepting on extreme and grave occasions, the action of these *ex-officio* Trustees of the Museum was weak and unavailing. The second class of Trustees is one so anomalous, that I hardly know how to describe them. They

are, I believe, called "Family Trustees." Of these Gentlemen, two have the custody of collections presented by their ancestors to the nation; but the other four collections, which have two Trustees each, represent property that has not been presented to, but has been actually bought by the nation, and at, in every single instance, a fair market price; so that it would seem that the Government has been in the habit of purchasing collections, and allowing at the same time a Trustee to be appointed to take care of the property which his ancestor has disposed of, and the interest of which purchase-money is probably adding to his own material comforts. Why, Sir, I cannot do better, to elucidate this point, than again to draw the attention of the House to the evidence given by my hon. Friend the Under Secretary of Foreign Affairs in the Committee which sat, 1860. The hon. Gentleman was asked,

"Do you think that Trustees who represent families should interfere in the general arrangement of the Museum?"

To which he replied—

"I have a very strong opinion on the subject. It appears to me, that when a testator appoints a Trustee to look after his collection, it is his intention that that collection should be devoted to the purposes for which he bequeathed it, and that it should be properly taken care of. To carrying out these intentions alone, I should confine the duties of a family Trustee. He should visit, at certain periods, the particular collection given by his ancestor or person he represents, to see that the wishes are carried out, and nothing else."

What would the hon. Gentleman the Secretary do with those who sold, not left, their collections? The House will observe, that my hon. Friend here defines the duties of those family Trustees, whose trusts "were bequeathed" to the nation, and he suggests, that they should be confined to visiting, at certain periods, the particular collection given by his ancestor or the person he represents, to see that his wishes are carried out, and nothing else. Well, Sir, then, if these are the only duties, which the greatest authority on such matters in this House would assign to Trustees of collections bequeathed, I should be glad indeed to hear from him, what, in the name of common sense, ought to be the functions of the representatives of those gentlemen who have not bequeathed but sold their property for its market value to the nation. Some years since my right hon. Friend the Chancellor of the Exchequer purchased, at the large sum of £160,000, Burlington House and grounds,

and considerable dissatisfaction has been felt that time has passed away, and it has not been as yet applied to any permanent or sufficiently useful purpose. Can it be possible, that when that purchase was effected, my Lord Chesham was appointed a family Trustee, and that it is his veto which has restrained the Chancellor of the Exchequer, and prevented his *ci-devant* house being altered or desecrated by the hand of innovation?

And now, Sir, it is time I should ease the minds of the Trustees, and assure them that I do not intend to propose to the House the revolutionary measure of abolishing them at once. No, Sir, I will leave them where they are, confident as I am that common sense and the growing intelligence of the public will prove far more fatal to them than anything I can say or do. At present let them remain, and perform those consultative duties for which they are fitted, but nothing more. By all means let them meet to talk and discuss matters in the same style and at as great a length, but with no more executive powers than belong to the Houses of Convocation at the present day. I have not the boldness to lay down exactly in detail what should be the laws which ought to guide the Trustees. That has been done by their own servants, the heads of departments in the Museum. Most of those gentlemen have recommended that the Trustees should act as a "body of visitors;" and others, that they should be a consultative Board. Another experienced witness said he should have no objection to them, provided they had "no sort of authority or control in the administration of the institution." Upon those terms, I can have no objection to them myself. And here, I suppose, I shall hear a cry about interfering with vested rights and interests; which, Sir, I deny to exist. But even were it so, I have yet to learn that Parliament is very squeamish in such matters where the public good is concerned. A glance at what was done by the Oxford University Bill will show how much the House respects the wills of founders. But, Sir, I deny that vested rights exist. When the Sloane collection was bought, and the Trustees appointed, there was no annual grant given by Parliament. Since then, things have greatly changed, and the public funds on which the Museum now subsist are as 30 to 1 in proportion to its private funds; and yet these family Trustees claim not only to manage collections sold by their ancestors,

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but to administer large funds now annually voted, but which were never thought of at the date of their appointment. That is surely a good reason why the House should take the management of these funds out of private and irresponsible hands, and exercise an efficient control over the expenditure. Thus much for the *ex-officio* and family Trustees. There remain the elected Trustees, against whom I have less to urge. They consist of men prominent for their ability, their learning, and their high social position, and well adapted for performing the only functions which properly belong to numerous Boards.

The remedy I would suggest for the evils I have pointed out is the same as that which has been found to answer well for the army, navy, and other public departments, namely, to place the administration under one responsible Minister of the Crown. Where that department shall be it is not for me, of course, to say; that must rest with the Government; but one's mind naturally turns to the Privy Council, which already has some Art collections under its supervision. I should be sorry to do anything that might mar the progress of Art in this country, and I should regret it above all, at a time when the nation has not yet recovered from the loss of that illustrious Prince, who had devoted his great mind to the cultivation of public taste. His was the head that planned, his the hand that had guided us in these matters for years; and no one would shrink more than I should from taking any step which could in any degree thwart or interfere with that great Prince's wise and beneficent schemes. Nothing can be more gratifying than that large numbers of persons should flock to see the collections to which I have been referring, but, at the same time, there is another side to the picture. How much does the country pay for these collections? At South Kensington every visitor costs the country *ls. 3½d.*; namely, salaries, *4d.*; purchases, *5½d.*; building and miscellaneous, *6d.* At the British Museum, with its model management, each visitor costs the country *3s. 2d.*, of which *ls. 1½d.* was spent in salaries, *ls. 1d.* in purchases, and *11½d.* in buildings. As to the British Historical Portrait Gallery, no returns of the number of visitors had yet been made, but from tolerably accurate information I believe, if the total cost were divided over the average number of visitors, it will be found that each visitor who goes to gaze



upon the "works of art" in Great George Street, costs the country from 16s. to 18s. Now, I can have no wish to mar the progress of art in this country, but I do not think that efficiency and economy are injurious to the progress of art, or that extravagant waste promotes it. I have shown that these Votes are increasing every year, the gross amount spent during the last fourteen years being £2,500,000; and that being so, I hope the House will not think I am exceeding my duty as a Member of Parliament when I call upon the House and the Government to adopt such measures as will promote the efficiency of these institutions by securing increased responsibility.

And now, Sir, I suppose I shall be met by the Chief Commissioner of Works, or by the Chancellor of the Exchequer, if he honours me by replying to my statement, and I shall be told that my facts are true, but that this is not a convenient moment for passing such a Resolution; that later would be a more convenient season. Delay will be the watchword, and, perchance, further inquiry may be hinted at as possible. But the House has been bamboozled over and over again in this way. Committees have sat, Commissions have reported, inquiry is exhausted, and any attempt to obtain further information would only lead to increased confusion. In the words of my right hon. Friend two years ago, the question is now in the hands of the House, and the House should now resolve to act upon the information before it. The course which the Government should take is to my mind clear. They should show, by supporting my Motion, that they do not approve unpaid and *dilettante* administration, in which responsibility scarcely exists, or, if it exists at all, is so divided that it rests on no man's shoulders, and that such an administration is, in their opinion, opposed to all sound, solid, and reasonable policy.

Motion made, and Question proposed,

"That this House is of opinion that, for the preparation of any Estimates, and for the Expenditure of any Monies voted in aid of the British Museum, the National Gallery, and all other institutions having for their object the promotion of Education, Science, and Art, one Minister of the Crown should be responsible to this House."

MR. GREGORY said, he had very great pleasure in seconding the Motion of his noble Friend, and he thought he was justified in saying that not only the House of Commons, but all those who felt interested

in the promotion of education, science, and art, out of the House, must thank the noble Lord, not merely for the intrinsically good object which he had in bringing forward this question, but also for the care, industry, and admirable manner in which he had put it before the House. And if there were one man more than another who ought to feel pleased at that, it must be the right hon. Gentleman the Chancellor of the Exchequer. That right hon. Gentleman, some time ago, in a most remarkable speech, had showed that the iron had entered his soul on account of the confusion, the irregularity, and irresponsibility which characterized our whole system of Public Works; and if he would now apply the vigour of his powerful mind to the question, then it would have been well for the country that he had been sore afflicted. The usual objection of the Treasury bench to inconvenient Motions was either that the Motion was wrongly worded, or that the time was an improper one. But the Motion of his noble Friend was singularly clear and moderate, and he should support it, because, if carried out, it would serve as the foundation of future improvements and reforms. Then there could be no more fitting time than that for the consideration of such a question, because it was felt that something must be done to the National Gallery, and something was intended as to the British Museum. The House would also have plenty of leisure during the Session, since there would be no Reform Bill with its dissolving views, no sensation Budget, he hoped, and no war, or rumours of war. His noble Friend had shown that the system of management in the British Museum was one by which it was totally impossible that a great institution could be efficiently managed. In 1850, Mr. Panizzi, while rendering ample justice to the individual qualities of the Trustees, complained of the want of direct communication with the heads of departments; and said that if the Reports of the Trustees were long they were not read, and if short they were not understood. Mr. Panizzi went on to complain of the varying and uncertain attendance of the Trustees. The Royal Commission of 1850, composed of the most eminent men, said in their Report, that however admirably qualified the Trustees individually might be, it was impossible that their administration should be satisfactory. It might be said that the evils complained of had

been removed by the appointment of sub-committees ; but he had himself, in 1860, asked a witness of singular good faith and good sense, Sir Benjamin Brodie, whether these sub-committees were regular in their attendance. Sir Benjamin replied, " No ; they are not so much employed as they might be. They are very inefficient at present." Let the House look at the constitution of the Board of Trustees, and the false and ambiguous position in which the working Trustees from time to time found themselves. The moment a question of real importance occurred, a whip took place. Down came the Government *ex-officio* Trustees, and swamped the decision of those Trustees who had been in communication with all the heads of the departments and who had carefully considered the subject. Let the House reflect how dispiriting to these Trustees must be the invasion of a horde of Government Trustees who trooped down to vote, and then went home again, knowing little and probably caring less of the matters they had thus summarily decided. One glaring instance of that occurred in 1859. It was notorious that the Trustees were against the removal of the Natural History department of the British Museum. Down came the Government Trustees, however, a cut and dried Resolution was put into the hands of the noble Viscount (Viscount Palmerston) affirming the desirability of transferring the Natural History collection to Kensington and it was carried by a majority of one ; and that went forth as the decision of the Trustees. It was true that the hon. Member who moved the Estimates of the British Museum was usually a man of great eminence ; but he was, after all, only a private gentleman, who acted irresponsibly and was only undertaking a voluntary duty. For himself, he always felt a disinclination to urge any complaints he might have against the Trustees in the same strong and forcible manner which he should like to use if the duty of moving these Estimates was discharged by a responsible Minister of the Crown. He thought the noble Lord was right in saying that the House of Commons ought to be jealous, and ought to interfere where such a large sum of money as £100,000 was annually brought forward by an irresponsible Minister, who referred Members in case of complaint to the Board of Trustees, and with whom it rested whether the complaint should be considered or not, and who

generally chose to throw it aside altogether. The noble Lord was ready to leave the Board of Trustees alone, and thought that after a few more speeches in that House the Board would die a natural death. But abuses of every description had great vitality, and he thought the Trustees ought to put themselves right with the public, and see whether they could not manage the British Museum upon a better system. He would suggest a remedy how the administration of the British Museum might be amended. He would retain the Board of Trustees, which was so powerful, in having so many Members in that House, and so splendidly constituted, from the talents which the Members possessed. Their duties should be in the first instance to act as visitors, to inspect the Museum periodically, and report to the Minister on the state of the Museum, with any suggestions that they might wish to make. They should also act as referees in revising the statutes, in the extension of the Museum buildings, in all questions of special grants, salaries, &c. He would no longer retain the services of the three principal Trustees. He knew how much the time of the right hon. Gentleman in the chair was occupied, nor did the duties of the Archbishop of Canterbury and the Lord Chancellor leave them any leisure for the performance of the duties of Trustees for the British Museum. He would divide the Board into three sections—the library, natural history, and antiquities. He was presuming, of course, on the retention of the Natural History Department in its present position. Each department should be independent of the other in its internal arrangements, its discipline, salaries, and hours of exhibition, and each should have a separate constitution—namely, the director over each of the departments, with the keepers of each department as an executive board. The directors would be directly responsible to the Minister, and he would be responsible to the House of Commons. That board would be free from all the defects of the Trustee system ; they would not be a fluctuating body, they would be acquainted with all the details of the Museum, and, above all, they would be responsible. They would have the settlement of all the internal regulations and of all the alterations that might have to be made. For each of the departments there would be an executive board, consisting of the director and the various keepers under him. If that



system were adopted, it would be found that the principle of responsibility would pervade the whole.

His noble Friend referred to the National Gallery rather in a tone of censure, but he might have done so in proof of his case, for the state of the National Gallery when it was under trustees was perfectly intolerable. But since 1855 there had been a change; the trustees were made to approach more nearly to the position of visitors, and the National Gallery had materially improved. Then the Kensington Museum was really a case in point, where there was thorough vigour, efficiency, and responsibility. [*A laugh.*] Hon. Gentlemen who laughed might think it did not carry out its objects, but he considered that it did, and he approved the principle upon which it was founded. At all events, no man could say that the Kensington Museum was not carried on with a vigour and efficiency which put to shame the older institutions. His noble friend spoke of the expense per head of the persons visiting that Museum; but it was hardly fair to make that calculation, because the expense should be reckoned according to the immense amount of good the Museum had done to every branch and department of art in the United Kingdom, by the circulating connection which it sent abroad, and by the various examples which it had given. But the management and arrangement of all the public buildings and public works of art in the metropolis were perfectly melancholy. He was not going too far when he said that nothing struck a man more than the weakness, incongruity, and mismanagement that met him at every turn of the street. He was very much amused on reading in *The Times* of that morning a letter from a very sensitive foreign gentleman, who wrote from the Sablonniere Hotel in Leicester Square, and who said that he trusted most sincerely if the Emperor of the French should be induced to visit the Exhibition, as he had been invited to do, that he would be brought into it blindfolded, in order that he might escape the shock which the hideous appearance of the building would most certainly cause. Now, if they were to meet that Foreign gentleman in Pall Mall and proposed to reconduct him to his dwelling in Leicester Square, and give him at the same time a view of the handsomest part of the metropolis, they should avoid the bad company and the shellfish-houses of Piccadilly, and bring

him down through Pall Mall into Trafalgar Square. The first thing that would meet his eyes would be the hideous statue to the Guards, representing a mythological figure (but whether of Virtue, or Valour, or Sorrow, nobody could say), apparently in the attitude of pitching quoits into the space beneath the *Athénæum* and the United Service Club. Taking him on a little further, they would show him the pepper-casters of the National Gallery, and the ginger-beer bottles of the fountains beneath. Then he would see the unfinished statue of Nelson and the statue of George IV. standing solitary in one corner, and also the statues of two great warriors, about which the right hon. Gentleman (Mr. Cowper) informed the House last year that they were allowed to be erected by predecessors of his; and although they were reported to spoil the effect of the elevation of the National Gallery, still, as the site had been given, there they should remain. And then, having shown him all these things, and having brought him up the narrow steps of the National Gallery and down to the sculpture den, he thought after all that, in spite of the proverbial politeness of foreigners, before he reached his domicile he would give vent in no measured terms to the bitterness of his feelings. Now, something ought to be done to remedy that state of things. There ought to be some person in authority permanently established, some one in the shape of a *Directeur des Arts*, as they had in France, who would give most material assistance to the First Commissioner of Works—some one not in the Ministry, but chosen for the excellence of his taste, or the correctness of his eye. He (Mr. Gregory) hoped he should not be rebuked, as he was the other night for meddling with matters that were beyond the province of an Irish member. He hoped he should not be told that he ought to employ himself in wrangling over some grand jury bill, or in some pleasant religious squabble, and leave the improvement of the metropolis and the constitution of the British Museum to the metropolitan Members. If he were, he should endeavour to receive the rebuke in a proper spirit, but he should none the less give his cordial and unhesitating vote to his noble Friend, if the noble Lord pressed his Motion to a division.

THE CHANCELLOR OF THE EXCHEQUER: Sir, my noble Friend who made this Motion addressed the House, as he

always does, on the very rare occasions—I may presume to say on the unhappily rare occasions—when he does address it, with great ability and in a manner showing that he had applied his mind thoroughly to the subject. My noble Friend at the close of his speech was so far emboldened by the favourable reception it had received on the part of the House that he predicted the terms of the answer. He said, “The Chancellor of the Exchequer, if he speaks in reply, will dispute none of my facts, but will ask the House not to adopt my Motion.” My noble Friend is in greater luck than most prophets, for one half of his prediction is true, though the other half is untrue. I shall, then, dispute what I believe not to be facts, and I shall also ask the House not to adopt his Motion. At the same time, it is my duty to admit that there is much matter in the speech which my noble Friend addressed to the House with which I myself and my colleagues are disposed to agree, and, in many respects, I think it is useful that that speech has been made; for, though I believe that he magnified some of the evils, and also overstated the efficacy of the prospective remedies, I think the speech is one tending in the right direction, towards unity, responsibility, and efficiency in the management of institutions of great public importance. Therefore agreeing in many of my noble Friend’s opinions, and believing that, as an abstract proposition, the Motion contains little that is open to dispute, I shall not ask the House to give a negative to the Motion; for that would not represent faithfully the view which I take of the question, but I shall ask it to meet the Motion by the previous question. I confess I was somewhat struck by the difference of views of the mover and seconder of this Motion. It is a favourable circumstance sometimes for those who oppose or deprecate a Motion to find discrepancies among its advocates; but I have the rare felicity of finding a discrepancy between the mover and seconder. The object of the Motion of my noble Friend is evidently to bring those institutions under the control of Government, but what does the hon. Member for Galway (Mr. Gregory) say to that? Why, the most effective passage in his speech was that in which he denounced the Government for exercising the control which they appeared to exercise for the purpose of influencing the Gentlemen who have the

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management of the Museum. So much is this the case that the fact not only occupied an important place in the mind of the hon. Gentleman, but formed almost the animating principle and stimulus of his speech. What I venture to represent to the House is this, that it will be well to contract the field and touch lightly on many of the points of detail which have been dealt with. The noble Lord assailed the constitution of the National Gallery. It was defended by the seconder of the Motion, and therefore as far as the National Gallery is concerned, I shall pass by that comparatively limited portion of the subject, only saying that it is perfectly true and correct that in 1859 the Government did say that a new arrangement was about to be made for the National Gallery; and in 1860 the new arrangement or arrangements were made, and it was then quite open for the hon. Member for Brighton (Mr. Coningham) to question those arrangements. So, with respect to the National Portrait Gallery, I think we may pass by a portion of the criticism applied to it, because that gallery is still an infant institution. Growth in the earlier stages of the animal and vegetable world is slow, and we may well expect to find that the same is the case not only in political institutions, but also in those devoted to art. But as the present discussion has turned in so great a degree on the British Museum, and as its condition so fully involves the question at issue, it will be as well if I confine my observations in the main to that institution. Another reason for taking this course is that my noble Friend has given to his speech too much of the character of an indictment against the British Museum and those who manage it, which I am bound to say is fundamentally unjust, and incapable of being sustained. With respect to the British Museum, my noble Friend made a charge of general mismanagement. He has not sustained that charge, and, instead of saying I dispute his facts, I should rather say that I dispute his assertions. What evidence has he adduced to the House? He says that more than one Committee or Commission has sat on the British Museum. Certainly, but does that show mismanagement in the British Museum? It only shows that the mind of the country and of Parliament was beginning for the first time in our history to be turned to the subjects of art and science and education as matters of political concern. We were



dissatisfied with the kind of imperfect, undeveloped state of our institutions, and consequently we wanted to apply ourselves with force and energy to produce a great development and improvement in that direction. That is the reason why those Commissions were appointed and made Reports, but it has not been in the power of my noble Friend to quote any language illustrative of his assertion of great mismanagement, or of any mismanagement, on the part of the Trustees of the British Museum. My noble Friend did, indeed, quote the testimony of a gentleman, whom he described as a foreigner, and who stated that the government of the Trustees of the British Museum was a complete obstacle and barrier to improvement. The facts were, however, against my noble Friend, and it is totally impossible for any man who unites common sense with common justice, and who at the same time has no Parliamentary Motion to support, to compare the British Museum as it now is with its condition thirty years ago, and to adopt the opinion that the Government under which the British Museum is managed is a complete obstacle and barrier to improvement. Take one instance of the management of the British Museum. A speech of mine has been referred to as expressing a desire in a particular branch of our affairs for something in the nature of revolution. That speech had no connection with the subject of the present Motion, but related to the manner, as proved by history, in which we—not any particular Government or department, but the collective body of Parliament and the Government—have for the last generation managed what I call the great public works of the nation. If that be so—if we, the Parliament and the executive Government, have produced results so unsatisfactory—it is but fair to those much maligned trustees and to this governing body of the British Museum to state how they have managed their public works. One great public work which will bring this point to issue has been erected within the last six or seven years—the reading-room of the British Museum, and that is an exception—a brilliant exception; it is, perhaps, very nearly the sole exception to our blunders. That reading-room was recommended to the Government, and planned to its completion under the superintendence of the Trustees. [Mr. GREGORY: It was done by Mr. Panizzi.] Mr. Panizzi is a servant of the

Trustees, and a more meritorious public servant is not to be found, but I cannot distinguish between the servant and the Trustees for the purpose of the present argument. Now, there seems to be an idea on the part of my noble Friend that no one is responsible for the Estimates for the National Gallery, Portrait Gallery, and British Museum. This is an error. It is perfectly true that the Museum Estimates were moved by the right hon. Gentleman the Member for Cambridge University (Mr. Walpole), and it is also perfectly true that that is an anomaly in our Parliamentary system. That is the single case in which such a function is performed by an independent Member of this House, but I take leave to deny that on that account there is an absence of public control. All my experience at the Treasury shows me that it is most unjust to the Trustees to state that they have ever showed a disposition to escape from the control of the Treasury, and I venture confidently to declare that the control of the Treasury, over the Estimates prepared by the Trustees is, in the interest of the public, as strong and effective as it is generally over the Estimates prepared by the public departments, and stronger than over those prepared by many public departments. These Estimates, therefore, are not irresponsible Estimates. I am not stating that the machinery of this government of the Museum is the machinery that might have been chosen if we had had to construct from the ground, but I dispute the statement of my noble Friend—if I understood him rightly—that these Estimates are prepared without the responsibility of the Government; nor does it appear to me that the House of Commons has any very great right to complain of these Estimates. At least, I have been present for many years at these discussions, and I do not recollect that on any one single occasion the House has shown any general or extended desire to reduce them; but I do recollect that from year to year many hon. Members have made complaints that these Estimates were too moderate, and that the salaries of this gentleman, and of that gentleman, and of the other gentleman ought to be largely increased. So much for irresponsible Estimates.

The hon. Member for Galway in his concluding remarks stated that the Government went down to the Museum in a horde for the purpose of swamping the Trustees. Now, we went down for the

exercise of our functions, not to evade responsibility, but to concentrate it on ourselves; and after a few weeks, during which the preliminary arrangements may be completed, we will give hon. Members an opportunity of saying "Ay" or "No" in reference to the important conclusion which we were instrumental in promoting at the deliberation of the Trustees of the Museum. But my hon. Friend has produced a plan of his own. I wish to point out that no executive Government can have a *prima facie* objection to a Motion like this, for it means for the Government increased power and extension of patronage. He proposes to retain Trustees, whom he invests with certain functions, as a consulting Board, but he also proposes to give the sugar plum of the appointment of three directors for the Museum to my noble Friend at the head of the Treasury. Certainly this was a remarkable recommendation to come from a popular Member, standing forth as the advocate of a popular cause, and as a friend of economy. But my hon. Friend goes a step beyond that, and here again I find him at mortal antagonism with his Friend the mover of this Resolution. There is one portion of the proposition of the noble Lord in which I heartily agree, and that was that the Treasury ought not to be a spending department, but one which should control others which do spend; while I also concur with him in thinking that boards of executive are, as a general rule, inexpedient. "Boards of executive are wrong" says the mover of the Resolution; but what says the seconder? "Appoint me three directors of the British Museum with three executive boards." Indeed, so decided is the antagonism between the two, that a Motion the aim of which I thought was unity and the concentration of responsibility has its tendency altogether reversed by the observations of one of its supporters. There is another charge of rather a specific kind made by the hon. Member for Galway against the Trustees of the British Museum, and that is, that under the present system there is a want of communication between them and the heads of departments. Now, the ordinary rule is that communication must always be with the executive head of an establishment, and it is always a question of discretion and degree how far the superintending authority will enter into direct communication with the secondary executive officers. I can, however, assure my

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hon. Friend that he is not accurate in his statement, and that, although there may be gentlemen who do not think they are placed in a relationship sufficiently direct with the Trustees, he will find, when we shortly lay on the table the proposition which we have to make in connection with the British Museum, ample evidence that the heads of departments are directly consulted, and that it does not rest with Mr. Panizzi — even if he had the inclination to do so, which I am sure he has not — to deprive them of their fair share of influence in supplying information to the governing body of the institution.

I have now dealt with the question of the general management of these irresponsible Estimates, and I may now say that it is my intention to move, on the part of the Government, the previous question, admitting, in so doing, that there is much to be said in favour of the general principle that the expenditure of money with a view to the promotion of education, science, and art, should be placed under the control of a single responsible Minister. I may, however, add that I think, when a Minister on the part of a Government gives even a qualified assent to a general proposition of that nature, and at the same time intimates a strong opinion that it would not be wise for the House of Commons to assert the general principle in abstract terms by means of a Vote, the House has a right to expect from him some declaration that these are not mere words used for the purpose of disposing of the pressure of an inconvenient Motion. I am ready to admit that you are entitled to expect that we should show you that we have advanced, and are advancing, in the direction which you suggest; and when we look back on what has been done during the last twenty-five or thirty years, I believe you will agree with me in thinking that immense strides have been made in that direction. Now, the Motion before us refers to all Votes of monies for the promotion of education, science, and art, and I may say that almost three parts of the objects which it seeks to accomplish have been already realized. Education is under a responsible Minister; so is science as an active principle, and art so far as it is connected with industry. Still more I grant you remains to be done, but I think you will see that it would not be expedient to endeavour to achieve the end which you desire by a single stride. Moreover, in that single stride you aim at too much,



and recommend to our adoption a Resolution which, like other abstract propositions, may hereafter prove inconvenient, and tend to fetter us in our future proceedings. My noble Friend will, I think, admit that progress has been already made in this direction, but he must not suppose that I am contending that it may not be desirable that some more direct relationship between the executive Government and the government of the British Museum might not be established. We have done our best under the circumstances. We went as far as the constitution of the Museum permitted. I can, however, well conceive the existence of an opinion that the mode in which the intervention of the executive Government in the affairs of the Museum is exercised might be improved and placed upon such a footing as to render it less irksome to the Trustees, and more efficacious for the purposes of responsibility to this House. While, however, making that admission, I would ask hon. Members to consider the present state of the question relating to the British Museum. For many years there has been there a great want of space, and the most active controversy has been carried on in divers modes and fashions, both inside and outside the walls of Parliament, as to the mode in which that want is to be supplied. The great question discussed under these circumstances has been, "Shall there be a separation of the collections contained in the Museum?" The executive Government, when the matter appeared to be ripe for consideration, deemed it to be its duty to assume the initiative in a case of this description. They have done so. They have made a proposal to the Trustees, which has taken effect in the shape of a plan which is now ready to be submitted to this House, and which we hope to lay on the table before Easter. That plan involves a most important physical separation; it involves, in fact, the transfer of one of the great departments of the Museum to another site. The Government in making that proposition had to consider whether the time was a fitting one to submit any proposal to the Trustees on the subject of the mode of governing the Museum itself, and we came to the conclusion that the time was obviously most unfitting. No doubt the local separation of which I speak suggested the idea of a possible modification of the government of the Museum, and what may hereafter take place in that respect I will not at this early stage of the

proceedings undertake to say. We do not know what the precise effect of the separation may be, and we have therefore deemed it better to proceed with our plan and obtain the judgment of Parliament with respect to carrying it into execution with all possible vigour and promptitude should that judgment be favourable. We shall then be able to arrive at a safer conclusion, from the working of the Museum under the altered circumstances of which I speak, as to whether any change in the government is necessary, than we could at present hope to form. This, I trust, will appear to the House to have been a rational course to adopt. Indeed, if we had acted otherwise, we should be open to the charge of having proceeded in this matter without sufficient knowledge or information, merely upon our own judgment and speculations, while we might also be said to have given undue offence to the Trustees, and to have exposed our own plan, which is a *bonâ fide* proposal in the public interest, to the imputation of being a scheme to give more power and influence to the Executive. Now, I may observe that you are in all discussions of this kind open to two opposite fires. The batteries to-day are charged with arguments intended to point out irresponsibility and consequent inefficiency in the management of a particular institution. To-morrow they may be charged with arguments against centralization, and with appeals to the national characteristics of the nation with respect to the mode in which it desires to see the public business managed. I do not think it would be wise on our part to involve ourselves in that forest of controversy. The hon. Member for Galway is opposed to our plan of separating certain collections from the Museum. [Mr. CONINGHAM: What collections are to be removed.] The collections of Natural History, including Zoology and other "ologies" more numerous than I can submit at once to your notice. Now, it may be good generalship on the part of the hon. Member to mix up this question of the separation of these collections with other matters, but we deem it to be absolutely incumbent upon us to consider this important question on its merits, and to refuse to accede by a positive vote to the Motion now under discussion. I will give you an illustration of the inconvenience which would be likely to result from the adoption of this Resolution. I accede to the general proposition that

executive boards are bad; but I think there may be found in practice certain exceptions and qualifications, which qualifications ought, in my opinion, to be considered one by one, and not to be overruled by an abstract proposal of this character. There is, for instance, the case of the Fine Arts Commission, which it at the present moment connected with associations too sacred and too tender to be dwelt upon in this discussion. But, speaking of it in general terms, I may say that the Commission has been of great public advantage, notwithstanding the objection of the noble Lord opposite to executive boards, and that it has exercised an important influence on the direction of the public mind into a channel favourable to the promotion of art. It would therefore, I think, be a most ungracious proceeding to condemn, by the passing of a Resolution such as this, that Commission. A trust has been committed to it. That trust might, perhaps, in other countries have been undertaken at once by the executive Government, but at the time the Commission was constituted I am not sure it would have been easy to take any such course. I believe we are deeply indebted to the Fine Arts Commission, and I am certain it is not the intention of my noble Friend to aim a side-blow at a body which has been of such marked utility. Such are the grounds upon which I trust my noble Friend will not press his Motion to a division, and upon which, if he does press it, it will be my duty to meet it with the Previous Question. I wish it to be clearly understood that in so moving the Previous Question, and in giving at the same time a qualified assent to many of the general principles which have been declared by my noble Friend, I am markedly at issue with him upon the practical question of the effects which have been produced by the actual Government of the British Museum, even although it may be theoretically and speculatively imperfect. I believe that to the managers of the Museum we owe a debt of gratitude for a great deal of good and efficient administration; but as I said before, I am one of those who think that the constitution of the administrative body may fairly at some future period be submitted to reconsideration and revision. No doubt, if it could have been foreseen in the early days of the Museum that it would become an institution wholly supported by enormous annual grants, its administration by such

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a government as it has at present would never have been dreamed of. There is one other remark I wish to make before I conclude. My noble Friend has criticised the purchase of a collection of pictures in 1855, but when he says that a few only were hung up in the National Gallery, that some dregs were sent to Ireland, and that the rest was sold for nothing, I do not think he gives a correct representation of the case. Whether, however, the representation is correct or not, let it not be forgotten that the collection in question was bought upon the strict responsibility of the Government; and, therefore, it is not fair to say that by getting rid of the Trustees you will secure that kind of happy efficiency and vigour and that amount of public satisfaction which my noble Friend seems to anticipate.

Whereupon *Previous Question* proposed, "That that Question be now put."

MR. CONINGHAM said, that while he agreed with the noble Lord that some one Minister of the Crown should be made responsible for the administration of the departments of science and art, he could not help thinking that Parliament itself was not altogether blameless in the matter. The House of Commons had completely ratified and rendered itself responsible for the acts of the heads of these departments, and he could not admit that the maladministration of which the noble Lord had complained was wholly attributable to the existence of boards of trustees. Surely the noble Lord forgot that nearly all the great mercantile concerns of the country were carried on by boards of directors. The whole question was surrounded with difficulties. With regard to the administration, allusion had been made to the *ex-officio* Trustees of the British Museum having gone down and swamped the other Trustees. He must say that, in his opinion, if the Ministers went down in that way in their Ministerial capacity to record their votes, they ought to be brought to account for it. In such cases, the *ex-officio* Trustees ought to have something like individual responsibility. It was quite possible, he thought, that the transfer of the Natural History collection from the British Museum to some other quarter might be expedient; but he ventured to say, that if the purchases were continued on the same gigantic scale, and in the same omnivorous manner as at present, no building, however large, would long



remain capable of holding them. He could not concur in the eulogium which the hon. Member for Galway had passed upon the department at Kensington. It was an archæological collection, containing many interesting and amusing objects, but it would not bear comparison with the British Museum. That monstrous architectural abortion, the Great Exhibition at Brompton, was the result of the Art School at Kensington—a fact which did not say much for the taste or knowledge of the department so highly lauded by the hon. Member for Galway. He did not think the investigation before the Committee was satisfactory; and his belief was, if the evidence had been laid before the House, the Vote demanded for building purposes would never have been passed. He concurred in the view that some one of the Ministers should be rendered responsible for the expenditure of the Vote. With respect to the National Gallery, there had been very little improvement, and the purchases which had been recently made were not satisfactory. No doubt the building had been enlarged, and more care was taken of the treasures of art placed there, but that had arisen from the discussions which had taken place in the press and that House, and it was only by directing public attention more to the general subject that any material improvement could be expected.

MR. BLAKE complained, that the department of Art was sought to be made too much self-supporting. He spoke chiefly of Ireland, but his remarks would in great measure be equally applicable to this country. He himself was, with others, the means of establishing one of the first schools of art in Ireland, that at Waterford. By dint of great exertion, some of the mechanics were induced to go to the school, which prospered so long as it received the Government subsidy; but when that was withdrawn the attendance began to lessen, and at present the school was nothing more than a school of art for the higher and middle classes. He believed the same state of things existed at Limerick and other towns. At Belfast the school was closed; and it was a fact that several years had elapsed since a school of art had been established in Ireland. He hoped that the noble Lord's Motion would have the effect of bringing public attention to the matter. It appeared very strange that while Government thought it necessary to subsidize largely

the most essential branches of education, such as reading, writing, and arithmetic, they should act on the principle of making art education self-supporting. Nothing possibly could be more erroneous or more calculated to prevent a spread of the knowledge of it amongst those whom it was most desirable it should reach. With a large proportion of the middle and humbler classes, a knowledge of the fine arts, when acquired, was nothing more than an accomplishment—an excellent one no doubt, but often useless as a means of advancing them in life; and therefore it was that if Government really meant to carry out the objects for which the department was founded, they should offer a premium to the class of pupils to whom he alluded, to frequent the schools of design, instead of deterring them by imposing high fees. The large sum voted annually in support of art education was, to a great extent, obtained under false pretences. The House were under the impression that it went to support the schools all over the kingdom, but such was not the fact; as in reality the lion's share was spent in London, where the people were best able to support schools themselves. He had no objection to the Museum and Gallery of Pictures at Kensington. It was a splendid, creditable, and most useful institution; but it was not fair to vote a large sum for supposed general purposes and have nearly the entire devoted to an almost exclusive one. True, Kensington was the parent establishment, and should be properly maintained; but that should not be carried too far. Nearly four years ago he (Mr. Blake) had called attention to this very subject, and could induce but very few to support him. He was glad to find the opinions he had expressed then were gaining ground, as proved by the favourable reception of the Motion of the noble Lord, which he trusted he would press to a division in which he would certainly have his vote.

SIR JOHN SHELLEY said, he wished to thank the noble Lord for having brought forward the subject; but, after the declaration of the right hon. Gentleman the Chancellor of the Exchequer, and the discussion which had taken place, he hoped the noble Lord would be content to withdraw his Motion. With regard to the observations of the hon. Gentleman the Member for Brighton, he believed the more the subject was inquired into, and the more the evidence taken before the Com-

mittee was considered, the more the public would agree with the Committee in the decision to which they had come, that the South Kensington Museum had done, was doing, and was likely to continue to do, the great good it was intended to effect.

MR. DISRAELI : Sir, I agree with the hon. Baronet in thinking that my noble Friend will do wisely not to press the House to come to a decision on the Resolution which he has proposed, because, when you ask the House to come to a Resolution, you should always consider the circumstances under which that request is made ; and considering the particular hour at which we should be called on to decide (half-past seven o'clock), I think he might obtain a result that would lead to an impression that there was not that sympathy with the general views expressed by my noble Friend in support of his Motion which I believe to exist in the House, and which I believe is largely shared by the country. My noble Friend has brought forward the subject in a speech of remarkable ability. He spoke for a considerable time, and always interested us, while he really grappled with all the points of the considerable question with which he had to deal. And, Sir, I find no fault with the Resolution which he proposed, because it is a Resolution which affirms, generally speaking, a principle which I think the House must ultimately adopt, and which, at the same time, pledges the Government in no manner as regards the details in an inconvenient form. But after the speech of the right hon. Gentleman the Chancellor of the Exchequer, and after the Amendment proposed by the Minister, it really would be at the present moment highly imprudent on my noble Friend to run the risk of a division in which it is possible, perhaps probable, he might have a majority ; but if he were thrown into a minority, it would undoubtedly create in the country a false impression. When an independent Member brings forward a Motion, and the Minister meets it with the Previous Question, he ought to be satisfied. It is a concession of the justice and general truth of his views and the accuracy of his statements ; and I do not think that as to the general result there can be two opinions. If public money is granted by the votes of this House, there ought to be a direct responsibility as to the manner in which that money is expended. That is, in fact, the

scope of my noble Friend's Motion. It is founded, no doubt, on a general conviction on his part and on that of those who act with him in this matter, that this money is not expended in as efficient a manner as the country has a right to expect. Well, that is my opinion also. I have given considerable attention to this subject, and sometimes in a position more responsible than that which I now occupy. My belief is that the general management of these institutions is not satisfactory. But I cannot agree entirely, nor even in part, with some of the reasons assigned by my noble Friend for coming to that conclusion.

I shall very briefly touch upon the several divisions into which my noble Friend has separated this question, and I will begin with the least important of them—namely, that infant institution the National Portrait Gallery. I speak now not merely as a Member of this House, for I happen to be one of those Trustees who have been animadverted upon to-night. My noble Friend says of this institution, which has existed only five years or so, that he has himself visited it, that it was with difficulty he made an entry, that he found a number of pictures hanging in obscure and dingy apartments, and that he learnt that people had been admitted to inspect them only within the last year. That is all very true, but these are circumstances necessarily incident to the origin of any institution. No doubt the apartments in which the collection of historical portraits are placed are very inconvenient and perhaps sufficiently dingy, but they are temporary apartments, and not those which would have been selected by the Trustees of the Historical Portrait Gallery. We are perfectly prepared, if the country will provide us with a spacious Louvre, admirably adorned and richly gilt, to place our collections in such a building. But in the absence of such a gallery we must, I fear, be content to stow them in those rooms of an obscure house belonging to the Government, in one of the streets of London, which are allotted to us. But I must say I entertain a very different opinion of the value of that collection from that expressed by my noble Friend. He has, I think, fallen into a false estimate of its worth ; and naturally so, because he seems to have been disgusted by the visit he made. He expected to see a magnificent saloon instead of dingy apart-

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ments, and it is not in a dingy apartment that a refined *dilettante* like my noble Friend can at once form an accurate estimate of pictures which were purchased after considerable inquiry and careful observation, conducted with the assistance of colleagues, among whom are men of the most accomplished minds. I therefore take a different view from that of my noble Friend of the worth of the National Portrait Gallery. On the contrary, I think it was a very judicious institution to establish. It was established in consequence of an Address to the Crown from the other House of Parliament, and this House proved its entire sympathy with the sentiments under which that Address was adopted by voting the sufficient though not very considerable annual supplies requisite for carrying it into effect. But although I believe there is no doubt that the existing collection is worth ten times the amount of public money that has been spent in contributions for its purchase—which is, I think, a tolerably good test of its value—still I do not for a moment contest the position of my noble Friend that it would be extremely desirable that this institution, like all kindred institutions, should be under the responsible superintendence of a Minister of the Crown. Therefore, as far as the general principle of my noble Friend's Resolution is concerned, even as regards the National Portrait Gallery—of which he spoke in such cheapening terms, but which I hold to be very valuable, and think will, if cherished, be much prized and appreciated by the people of this country—I do not dissent from his proposition.

I come to the next point—the National Gallery. I say nothing about the building of that institution, on which no one has touched at any length to-night, nor about the long-controverted question as to the manner in which the edifice in Trafalgar Square should be apportioned. On these questions I have before expressed an opinion. To that opinion I adhere, and think it would have been most advantageous that the whole of that building should have been given to the National Gallery. But with regard to the management of that gallery and the mode in which we have obtained this collection of pictures—not certainly very numerous compared with the galleries of other countries, yet most precious from their individual value, most interesting, and in a certain sense un-

rivalled in their character—I must say I differ from the views expressed by some hon. Members, and particularly by the hon. Member for Brighton (Mr. Coningham). No one more perfectly recognises the right of that hon. Gentleman to speak upon these subjects than I do. I admit his real knowledge and acquirements with respect to them. But I think he takes a prejudiced view of the conduct and management of that gallery, as well as of the character of the individual connected with it. Sir, I defy any man to occupy that position which Sir Charles Eastlake has occupied in this country with regard to our collections and works of art, and not to encounter immense criticism and opposition. I look upon Sir Charles Eastlake as a man of accomplished mind, of very considerable knowledge upon some branches of art, and on the whole more qualified—certainly as fully qualified as any individual whom I could fix upon for the post he holds. But he holds a post which necessarily provokes endless criticism; and every man who has special knowledge on a particular branch of art may, perhaps even justly, challenge his opinions on that particular branch, though he may not for a moment be qualified to compete with him in respect to that general and aggregate acquaintance with matters of taste which justifies Sir Charles in occupying the position he fills. Now, if the hon. Member for Brighton, who has considerable knowledge of questions of taste, and with whose part in these discussions I am always satisfied—although if he would only confine himself to matters of taste I should be still more satisfied—if he occupied with all his knowledge the post which Sir Charles Eastlake occupies, does he think that his judgments would not be freely canvassed, or that the pictures which he recommended to be purchased for the country would not be impugned in point of beauty and authenticity of origin? Well, the conduct of Sir Charles Eastlake has, on the whole, been such as is entitled to the confidence of Parliament and the nation. More than that no man can look for in this country. We always have these strictures passed upon Sir Charles Eastlake by some few hon. Gentlemen, because we have not those magnificent galleries, those treasures of art, or that feeling for art, which they think would be worthy of a nation occupying the position of England. But the truth is, it is not Sir Charles

Eastlake who is deficient in this knowledge or this zeal for art ; it is the people of this country, and it is in vain to conceal from ourselves that fact. The fine arts have never been appreciated and have never flourished except in small communities. We are much too busy, too engrossed with the great affairs of the world. We live in a country where the great men, as we were told last night, are the engineers ; and that is the reason why we cannot concentrate our thought and feeling upon those beautiful works which have rendered Athens and Florence immortal, and which societies that only devote their passion and study to such subjects are qualified to produce. Sir, I despair of art ever attaining that position in this country which a few refined minds may recognise, but which the multifarious pursuits of our active and creative people—creative in other respects—will, I think, ever prevent it from achieving. Therefore I do not believe that, however we may change the mode by which our National Gallery may be governed, we shall produce, so far as art is concerned, more satisfactory results than we have accomplished. A rich people, we may apportion a part of our treasure to purchase, at convenient opportunities, beautiful productions of art. Beyond that I do not think we ever shall reach. But though these are my convictions, there is no reason why I should oppose the general principle enunciated in my noble Friend's Resolution. Whatever public money is to be expended, and whatever arrangements are made in consequence of that expenditure, ought, I think, to be placed under the direction of a responsible Minister of the Crown ; and I have no doubt that, on the whole, that is a rule which will act beneficially for the purposes we have in view.

I come now to what is by far the most important part of this subject—I mean the management of the British Museum. My opinions on the management of that institution are not in accordance with those which my noble Friend and others have expressed. Nothing can be more anomalous than the constitution under which the British Museum is regulated ; but in that circumstance alone I see no necessary objection to that constitution itself. Anomaly in the origin, or rather in the existence, of governing powers, is not the exception in England ; it is the rule. Our governing powers are the creatures of accident, and have become hallowed by prescription. The same laws which have

governed our great political arrangements have prevailed in the institution which contains our great public treasures. Accident, no doubt, produced originally the constitution of the British Museum ; but as time has flown on, that constitution has become respected and respectable in the country. Sir, I cannot at all trace to the anomalous character of the constitution the highly unsatisfactory condition, as I admit it to be, of the British Museum. This unsatisfactory condition is to be accounted for by the origin of the national collection. Time has shown that a museum founded on the collection of a virtuoso, who aimed at having the most curious objects in every department, must be imperfect and unsatisfactory. Art, Science, Literature, and Nature are jealous mistresses, who refuse to live under the same roof ; and when you attempt thus to place their various treasures and achievements, you are attempting to accomplish that which, admirable as your object may in some respects be, must in its results prove imperfect. Now we have heard from the Government to-night that they have, as I understand, adopted a principle for which I have always contended in this House, the division of those great departments. The very moment that you separate the departments of natural science from the collections of art and learning which now meet under the same roof, you will do justice to the increasing and irresistible demands of natural science, and at the same time you will enrich these collections of art and those great libraries which now you are almost prevented from enriching and enlarging. Then I say that the Government are upon the right path, and it is in the separation of our collections, not in the alteration of the governing body, that you may introduce those improvements which the country demands. When the country has really got its museums of nature separated from its vast libraries and galleries of art, and the whole properly arranged and disposed, the want which has been so long experienced will be satisfied. But while you do this, there is no reason why you should not also adopt the principle expressed in the Resolution. There is no reason why the control and the management of those collections should not be vested in one responsible adviser of the Crown ; and his authority in this House and in the country would be perfectly compatible with the authority now exer-

*Mr. Disraeli*



cised by those who, I think with judgment and with success, have hitherto managed the national collections. But, when the Chancellor of the Exchequer, of all Ministers, to whom is intrusted the management of the finances and the control of the national expenditure, by the amendment which he moves recognises so amply the justice of the principle expressed in the Resolution, and when he, at the same time, announces on the part of the Government that in their future arrangements they are prepared to adopt the only principle which can safely guide them to a satisfactory solution of the difficulties which have so long occupied our debates, I think it would be unwise, and, to a certain degree, arrogant, on the part of my noble Friend to ask the House to come to any absolute Resolution. I think that with the opportunity it has given my noble Friend of laying before the House a masterly statement, and with the satisfactory reply which it has elicited from the Government, he may rest content, and feel that this evening in the House of Commons has certainly not been wasted.

LORD HENRY LENNOX in reply said, he wished to express his gratitude for the kind appreciation which had been shown of his motives in bringing the subject forward. He should of course accede to the request made to him not to divide the House, as the speech of the right hon. Gentleman the Chancellor of the Exchequer opened up a vista of promise, and he should be content to leave the question there. There was, however, one misapprehension of the Chancellor of the Exchequer's, which he wished to correct. The right hon. Gentleman understood him to say that the Estimates for the British Museum had gone on increasing every year, and had thought that he referred to the last two years. He had not intended to say that during those years the Vote had increased, but he had desired to convey that the votes had gone on increasing for a long series of years until they had reached £90,000. The Chancellor of the Exchequer said he had not made out any case of mismanagement. He had certainly refrained from wearying the House with details; but he had given the right hon. Gentleman the report of one Committee, the evidence of the servants of the Museum, and that of a distinguished French sculptor who had written to the Chancellor of the Exchequer, twelve or fourteen months ago, a

letter which the right hon. Gentleman seemed to have forgotten. He denied that he had displayed any hostile feeling towards the Trustees of the Museum personally; and as to the perfection of the library, it assisted his argument, because the library had been collected under the eye of the only person who could be said to exercise almost a despotic power in the Museum. He wanted to know whether great proprietors like Lord Overstone and the Marquess of Westminster would consent to have their property administered by a cumbrous body of men who were irresponsible to them, and were not paid by them. If not, why should the art treasures of the nation be exposed to that risk? The Chancellor of the Exchequer, alluding to his hon. Friend who had seconded the Motion, said he seemed only a mutinous follower. But were there no mutinous followers elsewhere? He thought that there was upon the Treasury bench an hon. Gentleman who, if he had been allowed to open his mouth upon this question, and to have indulged in a "wild shriek of liberty," would have made a speech but little in unison with that of the Chancellor of the Exchequer.

*Previous Question and Motion, by leave, withdrawn.*

#### CHINA—BRITISH MERCHANTS.

##### RESOLUTION.

MR. GREGSON said, he rose to call the attention of the House to the position of British merchants in China, and to move that due protection be afforded to them and their property in the treaty ports of that Empire. He proposed his Motion not in the interests of the merchants alone, but also to give an example to the Chinese of perfect honesty in our transactions. He did not propose to embark in another China war, either against the old Government or the Taepings. He merely desired to act on principles of self-defence, and that when the life and property of British subjects were threatened they should be protected. By the Treaty of Peking we were entitled to enter the Celestial Empire, and thus to enter into communication with 400,000,000 souls. He believed that we had no reason to complain of the Imperial Government at present, and that Prince Kung was well disposed to foreigners. He had been in communication with several gentlemen who had recently returned from China, and

with many others resident in that country. Some hon. Members were very favourable to the Taepings, and they had been called the national party of China. All the evidence he had accumulated, however, went to prove that, so far from being a national party, they were a gang of robbers and murderers. One gentleman, who left China in 1861, assured him that the Taepings were an unmitigated curse to China. Another said they were no better than brigands. Mr. Hamilton said, although the Imperial Government was weak and corrupt, the people could live under it; but that the approach of the Taepings was the signal for panic, flight, and desolation. He had in his hand extracts from letters asserting that the Taepings were land-pirates; that their only object was plunder, and that Her Majesty's Government ought to put them down. He had been told by no less an authority than Mr. Ward, the late American Minister, that the Taepings ought rather to be called robbers than rebels, and that the Western Powers could have no treaty with them. They had had possession of many Imperial cities, but only long enough to destroy their peace and prosperity. The missionaries were at first disposed to think them the reformers of China, but they had now changed their opinion. Mr. Bruce, in 1860, issued a proclamation, with a view of preventing Shanghai from being exposed to massacre and pillage; and so late as January 18 of the present year it had been necessary to muster all the volunteers who could be found among the British residents to protect their life and property. It was also stated that the villagers were flocking into our settlements for protection, that at least 100,000 men were preparing to attack them, and were hemming them in on all sides, and burning their houses. Moreover, the rebels made no secret of their intentions to starve the British out of the five ports. In the 18th article of the treaty concluded with Her Majesty's Government it was laid down that the Chinese authorities were at all times to afford the fullest protection to the persons and properties of British subjects; therefore the Imperial Government ought to be required to make some further effort to defend those who were now in danger from the rebels. But for the rebels, everything was tranquil in China. With regard to the fall of Ning-po, *The Times*, in a leader on the 26th of February, said—

"Thus, without a blow, fell one of the strongest

*Mr. Gregson*

and most defensible cities in China. A handful of determined men might have saved the place. But it is because there are no determined defenders that those things are done, for there is no more real courage on the part of the rebels than there is on the part of the Imperialists."

Now, what he had to ask the Government was, what measures were they prepared to take to secure life and property in Shanghai? If the right hon. Gentleman the Chancellor of the Exchequer were in his place there, he would tell him that the revenues from the duty on tea were about £4,500,000 a year; but if the rebels went on as they had done, they would cut us off from tea altogether. On the other hand, our manufacturers received from China silk to the astonishing amount of £7,000,000 a year. In conclusion, he would express a hope that the Government would declare that British subjects in China should be protected from lawless violence, and that all interference with trade at the ports mentioned in the treaty should be prevented. The hon. Gentleman concluded by moving, "That," &c.

Mr. J. A. TURNER said, he rose to second the Motion. He could confirm the statement that the trade of China, and particularly of Shanghai, was of the greatest importance to the people residing in that part of the country which he represented, and he felt satisfied that the Chancellor of the Exchequer would feel the loss in the revenue of this country if that trade was interrupted by the Taepings. But he also hoped that the Motion would prove to be unnecessary, as he felt satisfied that Her Majesty's Government had already turned their attention to this subject. They must have seen that the proceedings of the Taepings required watching. He believed that the volunteers of Shanghai, gallant as they were—and they were men possessing a gallant spirit of resistance—would be overpowered by numbers. The merchants at Shanghai had immense property there, and that must be protected. But not the property alone, but the valuable lives of the merchants and their families who were settled at that port for the purpose of carrying on a peaceful commerce required protection. This country had nothing to do with the civil war between the Chinese and the Taepings or rebels, but he repeated he felt confident that the Government would consider it their duty to interfere in the defence of their own interests and the lives of their fellow subjects.



Motion made, and Question proposed,

"That due protection be afforded to British Merchants in China and their property in the Treaty Ports of that Empire."

COLONEL SYKES said, he fully concurred in the general terms of the Motion. There was not a nation on earth that did not insist upon its subjects and their property being under the protection of their respective Governments, in whatever part of the world they might be; but his hon. Friend had not given to the House one instance in which British subjects or their property had been endangered or destroyed through the Taepings in China. There had been a panic no doubt at Shanghai, but his hon. Friend appeared to be very oblivious as to what had formerly taken place there. The Taepings came to Shanghai in 1860, after having taken Soochow and defeated the imperialist army which had been besieging them at Nankin. When that army was defeated and dispersed over the country, the worthy soldiers of the Imperial Government plundered wherever they went; and their seeking refuge in Soochow having been resisted by the Tartar Governor, in revenge they burnt the suburbs—an act of atrocity which was falsely charged against the Taepings. The Taepings then captured Soochow, which has remained in their possession ever since, and a constant intercourse has been kept up with the Taepings by the European merchants at Shanghai. From Soochow, in August, 1860, the Taepings advanced upon Shanghai, at the invitation of the French (they said), to take peaceable possession of the city; but when within 200 yards of the walls they were received with shot and shell from French and English guns, losing 200 men. They did not return a shot, but made their way to the suburbs, where the French set upon them, and to dislodge them, set fire to the houses and destroyed hundreds of thousands of pounds worth of property. When they retired from Shanghai, these devastating rebels, as they are called, so far from desolating the country, left the crops standing. Overtures had now again been made to the European population of Shanghai to permit them to take peaceable possession of the Tartar city of Shanghai, but it was said they could not be trusted. What ground was there for refusing to trust them? Had they ever broken faith with Europeans? When they went to Ningpo, they sent word beforehand that in case no resistance were made, no European pro-

perty would be destroyed; but the Governor of the city was compelled to remain, and an assault took place; they gained possession, but the Europeans have remained unmolested ever since. Indeed, convivial intercourse had taken place between the European residents and the Taepings; for a dinner was given to their generals, and it is stated in one of the Shanghai newspapers that champagne flowed so freely, that under its influence a roast goose was sent as a missile from the hands of one of the European hosts at the head of another of the European hosts; and the Taeping generals, in consequence, made a precipitate retreat, wondering at the manners and customs of the outer barbarians. Why not put faith in them, therefore? If the Taepings were the desolating locusts that they were represented to be, it was a singular fact that during the time they have held Nankin the silk and tea produce has shown a considerable annual increase. The Taepings, unfortunately for themselves, were Reformers and Puritans—they professed to be eradicators of idolatry, and also of their Tartar conquerors. They also had a religious ordinance which denounced the use of opium and of liquor, and in Nankin and the other cities they captured, neither opium nor spirit shops were permitted; and the traffickers in opium and liquor found that those customs were an obstacle to what they considered to be progress, and he was much afraid that much of the hostile feeling to the Taepings was caused by selfish views. He was not their advocate, but he was the advocate of an honest adherence to our professions of neutrality; for in case we interfered between the belligerents, we must have another China war.

MR. LAYARD said, the question was one of so much importance that he regretted to hear it discussed in so thin a House. Few hon. Members were probably aware of the very large amount of money belonging to Englishmen sunk in China. The greatest interest would be felt in China in the result of this debate, and the news of the course which the Government might take would be anxiously expected at the treaty ports in that country. England had spent a great amount of life and treasure in the establishment of an enormous trade in China. It was not for him to discuss now the policy which led them there. They were there; and, being there, the Government were bound to protect the lives and property of Bri-

tish subjects. The country had gone to great expense in establishing consulates in the various ports and cities of China, and these must be maintained, and the results brought about by them supported. The Government had endeavoured to pursue in the internal affairs of China a policy of strict neutrality and non-intervention; but it was exceedingly difficult to pursue this policy when dealing with such a country as China, and with two parties like the Imperialists and the Taepings. If those two parties contending for empire were parties either of whom could establish and maintain a settled and responsible Government, there would be no great difficulty—indeed, none at all—in carrying out such a policy. They would be bound to allow the strongest party to establish a Government, and, when they had established it, to recognise and open relations with them. They would then have a right to expect that the party in power would observe treaty obligations. But that was not the case in China. In dealing with the Taepings had they a party either capable or desirous of forming a strong Government? He believed—notwithstanding the statements of his hon. and gallant Friend the Member for Aberdeen—that they had not. All the information received from the agents of Her Majesty's Government in China went to show that the Taepings had no defined policy, and that they were utterly unable to organize any adequate system of administration. Their followers were a rabble rout of marauders and plunderers. There had been at one time an idea that the Taepings would establish the Christian religion in China, and that, actuated by motives of patriotism, they were desirous of setting up a native dynasty, and expelling the Tartar race that had conquered the Chinese people, and established its rule in China. That delusion had, he believed, entirely disappeared, except from the mind of his hon. and gallant Friend. He thought the Taepings were fortunate in having so persevering an advocate, but he could not congratulate his hon. and gallant Friend on his clients. As regarded their pretension to Christianity, what was it? True, as was stated by his hon. Friend the Member for Lancaster, one or two of the chiefs had been brought up by Protestant missionaries; but that had not prevented a denunciation of missionaries. A most interesting letter had been pub-

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lished in the *Wesleyan Messenger* by Mr. Cox, in which that gentleman described his journey to Nankin, and the interview he had had with one of those chiefs. There he found a missionary, Mr. Roberts, who appears to have been no better treated than other missionaries. A threat had been pronounced against him that he should lose his head if he taught any doctrine but that of the divine origin of the Taeping king, the "Heavenly Father or King," as he was called. His hon. and gallant Friend looked through papers coming from China for extracts favourable to the Taepings, and generally favoured him with these quotations. In one of these it was perhaps stated that the Heavenly Father of the Taepings ordered that no one should kick his wife while she was pregnant, and this fact was immediately cited as a proof of Christianity; but that was followed by an order that all the chiefs should marry eleven wives before the royal birthday came round again. The second manifesto was, of course, calculated to dispel the hopes raised in the Christian mind by the appearance of the first. At one time it was announced that the Bible had been carried on a pole before the Taepings, but that news was speedily followed by an announcement that they had concocted a Bible of their own. It appeared that the King was only a dreamy enthusiast, who lived surrounded by women in Nankin, holding no intercourse with the outer world, but ruling his subjects with great cruelty and oppression. His army was merely a mob composed of that brigand population which from time immemorial had existed in the Chinese Empire. It was stated that a great part of that army consisted of mere boys, and that atrocious cruelties were committed by them. Were the Chinese themselves with the Taepings? Was it a patriotic movement against the Tartar dynasty? It was not so. According to the best information, not a single Chinese of respectability—not a man of landed property, of literature, or of trade—had joined the rebels. On the contrary, wherever the Taepings appeared, every person of respectability or property moved away before them. They had no regular system of taxation, but merely levied what they could, and, after devastating and impoverishing the country, passed on. The leaders of the rebellion were woefully ignorant. Few of them could read or write, and still fewer were acquainted



with the Court or official language of China. All their communications were conducted in a barbarous jargon of their own. He understood that the "Heavenly Father" had framed an alphabet of his own, and Mr. Cox stated that a writer employed by Mr. Roberts to translate the New Testament having formed a letter in a way not pleasing to the Heavenly Father, that individual ordered the writer's head to be cut off and those of two or three others of his brother scribes. The hon. and gallant Member for Aberdeen had said that they did not plunder. Why, if they did not plunder, the whole movement would come to an end at once. They lived by plunder, and it was only by allowing their followers to do what they liked with the property of the people that the leaders were able to keep them together. Having seized upon a district, they did not attempt to establish themselves permanently or to organize any form of Government; but after a while moved on to some other place, leaving that which they had occupied utterly desolate. The younger part of the population they carried off, compelling them to be soldiers, and the older part they destroyed, men and women alike. Some hon. Gentlemen might have seen a flight of locusts. Early in the morning there arose a sound as of a distant wind. Soon the air became darkened, and the whole earth seemed to move. Then was heard a strange noise, resembling that which would be produced by the grinding of innumerable teeth. On the following morning the cloud rose and passed onwards, but every green thing on the face of the earth was gone. So it was with the Taepings. They passed over a country, and nothing whatever remained, neither city, nor village, nor cultivation. They were told in ancient histories of the havoc committed by the devastating bands of Tartars which passed over Asia and parts of Europe some 800 or 900 years ago; how Tamerlane and other Tartar conquerors had exterminated whole populations; but he confessed that until he read the accounts of what was happening in China in their own day, and under their own eyes, he could not understand the atrocities perpetrated centuries ago. Everybody had heard of the Great Canal of China. Perhaps no part of the world was more beautifully cultivated than the country traversed by that canal. The canal itself was covered with shipping; its banks were studded with numerous

towns and great cities, some containing above a million of inhabitants, and the whole country around bloomed like a garden. What was the state of that district at the present moment? Here was the account given by Mr. Forrest, our able Vice Consul, of his approach to Nankin—

"Words cannot convey any idea of the utter ruin and desolation which mark the line of Taeping march from Nankin to Soochow. The country around the last unfortunate city will soon be covered with jungle, while the vast suburbs, once the wonder of even foreigners, are utterly destroyed; a few miserable beings are met with outside the gates selling bean curd and herbs, but with these exceptions none of the original inhabitants are to be found, and we actually flushed teal in the city moat, where only a year ago it was barely possible to find a passage, from the immense number of boats actively engaged in commerce and traffic. The interior of the city is equally desolate; the whole of the house-fronts have been torn down, and the numerous water-courses are filled with broken furniture, rotten boats, and ruin. The same may be said of all cities on the canal; and as for the villages and places unprotected by walls, they have been burnt so effectually and carefully that nothing but the blackened walls remain."

That letter was written on the 28th of March, 1861. Mr. Parkes, writing on the same day, said—

"The city of Taeping is obliterated. For some time I walked by a high bank without knowing that it was the remains of the city wall. The stone facing of the wall, and the bricks of most of the houses within the city, have been used for the construction of walled camps outside."

Taeping, in 1853, contained some 40,000 or 50,000 inhabitants. The people of these districts, according to Mr. Bruce, showed an unparalleled and almost incredible industry. The great city of Soochow within a few weeks was reduced from 1,000,000 to 130,000 inhabitants. Another was reduced from nearly 1,000,000 to 40,000 inhabitants, while the population of a third was entirely extirpated. Mr. Alabaster, an interpreter attached to our mission in China, describing an interview with the rebel chiefs at Chafu, wrote as follows:—

"A new crucifix was leaning against the wall; there was an evident attempt to inspire awe and respect on all beholders, but the universal coolie look, the want of intelligence even in the higher ranks, and the utter inability of the highest to write more than (that with great difficulty) their names, must have utterly failed to excite any feeling, unless fear, and, as it did with us, disgust. We were impressed with the energy with which a portion of the wall was being repaired, and the manner in which they had staked the ground surrounding the wall; but, the long walk through the burnt and plundered suburbs; the fearful dogs and gaunt cats, stalking about, frightened from the bodies,

still lying here and there, by our approach; the utter desertion of the country, as far as we could see; the contrast between what the place had been and what it was then, made every one echo heartily the answer of our greatest rebel admirer when asked, on returning, whether he was disenchanted—'Quite.' He could no longer admire the horde of savages who seemed ruining the country that they might prey on its destruction."

He had already informed the House of the condition of Nankin. Only that morning he was talking to Mr. Consul Parkes, a gentleman whose name was not unknown to the House, and whose energy, whose ability, and whose bravery had been an honour to the English name in China. Mr. Parkes informed him that in an expedition up the Yang-tze-kiang he arrived at a city, called Hang-kow, so admirably situated and so crowded with people that he at once concluded that it was the best position which could be selected for consular and trading establishments. He remained there four or five days, when suddenly one morning news came that the Taepings were advancing. Within a few hours the population of the city, computed by M. Huc a few years ago at 8,000,000, by our missionaries at 3,000,000, and by Mr. Parkes himself at 1,000,000, had migrated, and the city was left a perfect desert. The people rushed in multitudes to the boats; some were trampled to death; some fell into the river, and were drowned; others committed suicide; but all had disappeared before night-fall, so great was the terror inspired by the Taepings. Fortunately, through the intervention of one of our agents, the Taepings did not advance to the city, but returned whence they came. The inhabitants once more occupied their homes, and they had since been our best customers on the Yang-tze-kiang. That great river had been ascended 700 miles by English steamers. It opened into a vast lake district, and the whole country abounded in every kind of produce. All that tract had now been opened to us, and, according to the last accounts, was affording an amount of trade which the most sanguine could not have anticipated only a short time ago. If the Taepings were to take possession of it, the whole of that district would be reduced to a desert. The hon. and gallant Member for Aberdeen (Colonel Sykes) had condemned the Tartar dynasty. He was not there to defend the Tartar dynasty, which had doubtless been guilty of many crimes; but even that dynasty furnished a remarkable contrast to the

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Taepings. Wherever the Imperialists had occupied a territory previously held by the Taepings, a great change for the better had immediately taken place. Even the missionaries, who might be called the last adherents of the Taepings, had given them up. He had seen letters to the same effect from missionaries of the Church of England and of Baptist and other denominations. His hon. and gallant Friend had said that at Ningpo the state of things was different, and that, whatever atrocities might have been committed elsewhere, none had there taken place. In the first place, Ningpo had been almost deserted, but of the few inhabitants who did remain, many, according to later accounts, had been massacred. An English clergyman (Mr. Russell), who had previously imagined the Taepings to be a well-behaved and respectable people, and whose evidence would accordingly be accepted as impartial, went up to Ningpo for the purpose of communicating with them. On the 11th of December last he wrote as follows:—

"Since the capture of Ningpo by these extraordinary men, the first time I had been brought into personal contact with them, I have to confess that my views, hitherto ever oscillating for and against them; according to the varying rumours which have reached me from time to time, are now assuming a most unfavourable character. If the men now at Ningpo are a fair specimen of what they are elsewhere, the whole movement I must regard as one of the most hopeless imaginable for all purposes but the work of desolation and destruction. I have already had interviews with representatives of all classes among them; and, had I not heard them and seen them myself, I could hardly have been persuaded by others that such bad, unprincipled, and uncivilized beings could be found among the generally quiet and naturally respectable Chinese."

That he took to be as strong and impartial testimony as could well be produced to the House. Now, what hopes were they justified in entertaining with regard to the Imperialists? Within a very short time a great change had taken place; a *coup d'état* had been effected which led to a change of Ministers, and produced what might fairly be called a Ministerial crisis, because the Ministry that went out of office went, as was usual, out of the world at the same time; they were either strangled or despatched themselves as soon as they received the order. Prince Kung and the two Empresses had called together a new Ministry and had inaugurated a new policy; for the first time a Chinese Government had admitted the rights of foreigners, and consented to treat with



them as equals. Of course, he could not say how far the promises held out by the new Ministry would be performed, but the British Minister on the spot wrote as if he believed that a great change had taken place. There was no greater mistake than to suppose that the people of China, on the whole, were unfavourable to foreigners. The evidence of those who had travelled in China confuted the supposition. Any one who read Mr. Fortune's interesting works would find that in many parts of China to which Europeans had not previously penetrated he was received with great kindness. It was perfectly true that at many of the ports the Chinese did regard foreigners with disfavour, but the reason, wherever the true reason could be traced out, was that the Europeans with whom they had to deal belonged to so bad and disreputable a class, that there was no difficulty in accounting for the antipathy with which they were viewed. The House saw, then, on the one hand, how easily the Chinese people were to be governed, how well inclined they were towards commerce, and how industriously they themselves were disposed; they saw, on the other hand, a rebellion set on foot by bands of marauders and plunderers, bent only on destruction and desolation. The great emporium of British commerce was threatened; were we to stand with folded arms and look on while it was destroyed? The question was not one of neutrality and non-intervention. There could be no neutrality or non-intervention where the parties consisted simply of the murderer and his victim. Putting aside the consideration of our rights, the question resolved itself into one almost of humanity.

Were hon. Members aware of the enormous increase which had taken place in our trade with Shanghai? It had risen from £24,000,000 in 1858 to £29,105,000 in 1860; and by the last returns the exports and imports of that single port, had risen above £30,000,000. His hon. Friend was entirely in error in stating that the tea and silk embarked at Shanghai came from districts overrun by the Taepings. Shanghai, had become a great port for the reception of the trade down the Yang-tze-kiang, and most fortunately the upper parts of that district had hitherto escaped the ravages of the Taepings. It was said that in order to maintain neutrality a distinction should be drawn between the city and the settlement of Shanghai. But these had so penetrated each other

that it would be difficult to make a division; and if the city were destroyed, what would be the use of the settlement? They had gone to China for purposes of trade, not of colonization, and if they allowed the great cities to be destroyed, what would become of their trade? It was proposed some time ago that the Imperialists should pledge themselves not to make the treaty ports a basis of operations, and that the Taepings should be called on to respect the treaty ports. But to that the Taepings would not agree, and by the latest accounts they were determined to destroy Shanghai. According to that morning's advices, a large body had advanced to a point within five miles of Shanghai, but a single discharge of French cannon sent the whole party flying. Were these people to be allowed to destroy that great city, and to annihilate a vast English trade, when almost by holding up their little fingers they could preserve it? The Taepings advanced on Shanghai in 1860, but the appearance of a few marines on the walls frightened them away. Would it not be criminal in the House, under these circumstances, to neglect the sacred interests of British property and British life? He was happy to say that the Government had not been neglectful. Instructions had gone out to defend Shanghai against all risk, and he was still more happy to say that he believed the Admiral, with the aid of a few British troops, would be amply prepared to defend the city from the horrors of a Taeping occupation. More than that, Her Majesty's Government had determined on defending the other treaty ports to the best of their ability, and orders to that effect had been given. His hon. Friend would, perhaps, say that we were about to engage in another Chinese war, and that for the purpose a great army would be required. No such thing. The operations of the Taepings showed that they had no organized system of warfare; they were not about to institute a well-matured campaign, or to deliver a simultaneous attack on all the treaty ports. Having destroyed one spot, they moved like the locusts to which he had already alluded to another, and, he repeated, it would be criminal on the part of the British Government to permit such destruction of life and property to take place. He trusted his hon. Friend would be satisfied with the assurance he had given him. Her Majesty's Government, he might feel confident, were keenly alive

to the important responsibilities devolving on them. A great duty in respect to non-intervention was imposed on a Government, but a still higher duty rested upon it, that of protecting from danger and destruction the property and lives of its subjects.

Mr. WHITE said, much misconception and delusion existed respecting the origin and objects of the insurrectionary movement; and if time were afforded, it would be a matter of interest to go into that part of the subject. No one could doubt that the collision of the Imperial authority with the British Government had been a primary cause of the disorganization which was producing such fatal effects. Till then the Chinese Government had rested on public opinion; but when the population of the south saw that their mighty empire was crumpling up on coming into collision with Occidental civilization, the prestige of the Government departed. He remembered that in 1849 the whole coast of China was ravaged by pirates, and their enormities arrived at such a pitch that the British Government was obliged to interfere. We pursued them and destroyed their junks. Many of the crews, who were good gunners, then went into the interior, and formed the nucleus of the rebellion which had assumed such proportions. It was not a little singular that nothing did more to damage the Chinese Government than the Canton raid of 1847, when our ships rushed up the Canton river and spiked 127 guns, and the capital was placed at our mercy. Shortly after that event the originator of the rebellion first became a Christian inquirer. Struck with the feats of the English sailors, he went to Mr. Roberts and inquired about the foreign Scriptures of a people that could do such deeds. He afterwards became a seer of visions and a dreamer of dreams, till he ultimately became the founder of this mighty insurrectionary movement. He (Mr. White) had some acquaintance with gentlemen who had inquired into the character of the Taepings, and a relative of his had visited their camp. He gathered that the Christian principles they professed amounted to nothing more than a high appreciation of Colt's revolvers in comparison with the native match-locks, and that they much preferred cherry brandy to the native sam-chow. The rebellion, taking its rise in the provinces, proceeded northward, and, striking upon the great river Yang-tze-kiang, approach-

*Mr. Layard*

ed, and in 1853 took possession of Nankin, which was the finest military position of China, and from which the Government had been unable to expel them. Latterly there had been a fresh outbreak. They had captured Ningpo, which was one of the treaty ports; and he (Mr. White) could not help thinking, that if the Government had any intention of expelling them from that city, they would do well to make that intention known; a mere announcement to that effect would be of the greatest importance. With regard to Shanghai, having been one of the first to settle there, he was confident, from his knowledge of the appliances and means placed at the disposal of the British community by Government, that not the slightest apprehension need be entertained for its defence. He did not approve of our past Chinese policy, but he would not adopt a tone of captious criticism or censorious remark. To do so would be odious and ungracious to officials placed in a country so remote and in circumstances of a most difficult nature; but he must regret that the principle of non-intervention, of which they had heard so much, had not been more rigidly observed in this internecine war. Our plenipotentiary used as an argument in his communication with Prince Kung that we had driven the rebels from Shanghai. A Chinese collectorate had been established there, and an arrangement had been made by which it had been placed under the direction of Europeans, many of whom had left the employment of the British Government. When the Taepings saw those indications of our connection with the Chinese Government, they had some right to complain of interference. As had been pointed out, the Imperial Government had not complied with the 18th Article of the Treaty of Peking, which stipulated that the Chinese Government should defend the lives and property of our merchants in that empire. But the whole funds of the collectorate, except what was required for the establishment and the indemnity, were sent up to Peking, and absolutely nothing was done for the defence of British lives and property. None complained more of this than the subordinate class of Chinese officials. The claims of the provincial establishments were overlooked, and the Chinese agents there were obliged to impose on British commerce double duties, and there was consequently a great augmentation of the duties now levied. In the regulations re-



cently issued for carrying on the trade in the Yang-tze-kiang Europeans were forbidden to have any intercourse with the Taepings, and a vessel from England to Nankin would be compelled to call at Shanghai or some other port to pay duty to the Imperial Government; and on its arrival at Nankin the cargo would have to pay duty again. But the Government had not gone far enough. He could understand the policy of rigid non-intervention; he could also understand the policy of active intervention; but the Government had pursued neither the one nor the other. Under these circumstances it became a question of great importance to inquire what was to be done. No one would advocate a policy that would lead to war; and he would urge most strongly that instructions should be given to the agents of the Government that the policy of non-intervention should be most rigidly observed. China was so vast, and afforded such facilities for exportation that the receipts of tea and silk would not in any way be interfered with by the continuance of this struggle. He was anxious that the Government should impose upon its agents a policy of non-intervention, but he thought that the hour had arrived when a friendly intervention might produce a settlement of that dreadful intestine struggle. Whilst concurring in the opinions that had been expressed of the Taepings, he would say that we could not shut our eyes to the fact that for nine years they had been the possessors of Nankin. A Government did not exist so long in Europe before it was acknowledged. In the interest of humanity it might not be unwise if we were to come to some arrangement with the Taepings, who had such a wholesome fear of us. Their chiefs had been the body servants, grooms, and attendants of Europeans, and they had the sagacity to see that if they came into conflict with us, their power would be shattered. He had received a letter from a gentleman who formerly sat on the Opposition side of the House, and now held a judicial position in China. He visited Nankin four months ago, and saw one of the principal chiefs there. He had had an interview with the real ruler of the rebels, and had strongly urged him to adopt the European mode of warfare. On his part the rebel chief stated that he had twenty millions of people under him; complained that while professing neutrality, England constantly took part with the Imperialists, and suggested that the British

Government should support a scheme by which the country should be divided between the Taepings and the Imperialists. For himself he thought there was wisdom in the suggestion, having a better opinion of the rebels than some hon. Gentlemen; and he did not believe that if they did take Shanghai, any ill consequences would result to the British residents. He could fully confirm what had been said respecting the beauty of the interior of the country and the marvellous industry of the people, having passed through it along the Grand Canal. To those who desired to be vividly and truthfully informed of those particular districts where the disturbances are now going on, he would recommend the perusal of Mr. Wingrove Cooke's very interesting book, *China in 1857 and 1858*. In conclusion he would once more strongly advise the Government to endeavour to promote peace between the contending parties.

MR. BUCHANAN said, it was very gratifying to him to hear the statement of the hon. Gentleman the Under Secretary for Foreign Affairs, that measures were to be taken for the protection of British subjects in China. He wished, however, to remind the Government that Shanghai was not the only spot at which that protection ought to be afforded. The fact was that foreigners were better able to protect themselves at Shanghai than at any of the other centres of commerce in China; and it was at the remote points that the life and property of Europeans were most endangered.

MR. MARSH said, that as the House had heard so much of the atrocities of the Taepings, it would not be out of place for him to relate what had happened to the Chinese in Australia. A few years ago the ruling power in that country, the working classes, became alarmed lest their exorbitant wages should be reduced by the immigration of the Chinese. Many vile accusations were got up against them, but as far as he could ascertain they were without foundation. The absence of women among the Chinese emigrants was an incident which belonged to all gold-diggers, whether Germans, French, or even Britons. A Bill was introduced into the Colonial Parliament to expel the Chinese from the country; but after careful inquiry a Committee of the Upper Chamber reported in favour of the Chinese, and the measure was dropped. He had had a great many of those people in his employ-

ment, and could bear testimony from experience to their frugality, industry, and freedom from all vices, save gambling and opium-smoking. At one of the diggings, a dastardly and brutal attack was lately made on the Chinese. ["Question!"] He was speaking to the question. If they wished the Chinese to do justice to them, they must first see that they did justice to the Chinese. Some of the Australian clergy had issued an address, commending the Chinese to the goodwill of the English, and he hoped that the ill-treatment to which they had been subjected would not be repeated.

MR. GREGSON said, in reply, that he had experienced much gratification at hearing the statement of the hon. Gentleman the Under Secretary for Foreign Affairs, and he would not press his Motion to a division.

Motion, by leave, *withdrawn*.

THAMES EMBANKMENT (NORTH SIDE)  
BILL—LEAVE.—FIRST READING.

MR. COWPER said, he rose to move for leave to bring in a Bill to provide for the Embankment of the Thames. One of the most urgent wants of the metropolis was the want of a free passage along the great thoroughfare which united the east and west of London. Along that important line of communication there was such a constant flux and reflux of traffic between the City and the West End that at certain hours it was almost impassable. Ludgate Hill, Fleet Street, and the Strand did not serve the purpose for which they were intended, whilst the great value of the property in those streets rendered it impracticable to widen them. With the construction of another thoroughfare from east to west it was proposed to combine the laying down of the low-level sewer, so as to obviate the necessity of raising the pavement of Fleet Street and the Strand and endangering the houses by loosening their foundations. A third object might be attained at the same time with the two he had mentioned—the improvement of the navigation of the River Thames; and a fourth advantage would be the embellishment of the shores of the river and the formation of a handsome and healthful promenade for the public. One might have expected that London would have taken a pride in the river which formed one of its noblest features, and to which it owed in a great measure its prosperity

*Mr. Marsh*

and supremacy over other cities. But, on the contrary, it had been neglected and abused. Paris made the most of the Seine; St. Petersburg did not neglect the Neva; Stockholm, Florence, and other foreign cities had greatly improved their rivers. Even the Liffey, which was not to be compared in grandeur with the Thames, had been adorned with a beautiful line of quays. But the people of London used their magnificent river as a common sewer, and had got no further than to talk about its improvement. The discussion about the matter had lasted for about 200 years. The first step towards embanking the Thames was taken by one of his most illustrious predecessors. After the Great Fire, Sir Christopher Wren, in drawing up those plans for the rebuilding of London, which would have rendered it a really handsome and symmetrical city, proposed a quay from London Bridge to the Temple. An Act was passed sanctioning the work, but only a portion of it was completed. In 1767 the Corporation of London obtained powers to make the Embankment, about half a mile of which was constructed, and it was then stopped. There had been partial embankments, such as that of the Adelphi; but those had only done more harm than good by aggravating the irregularities of the river. What was wanted was an uniform and complete plan. In 1824 Sir Frederick Trench agitated the question. He assembled a number of the most eminent authorities in art and science on a barge moored off Scotland Yard, with the Duke of York in the chair, who adopted a scheme for an embankment between London and Westminster Bridges. In 1825 Sir Frederick Trench brought a Bill for that purpose into Parliament. That Bill was opposed by those who, taking a short-sighted view of their own interests, believed they would be injured by it. Sir Frederick Trench injudiciously thought it would be well to attempt to conciliate the opposition of the occupants and owners of property on the banks of the river, and for that purpose he consented to curtail his plan. At first, instead of carrying it to Westminster Bridge, he made it stop short at Whitehall Stairs. Being then met by new objections, he agreed to stop short at Scotland Yard. That concession had the effect of calling forth fresh objections, in deference to which he consented to stop at Craven Street. These conces-



sions only induced the inhabitants along the remainder of the line to combine their resistance, and they said, "If this work is not to be carried out in front of the property of persons of great wealth and station, why should it be carried out in front of ours?" and in consequence of these and other reasons Sir Frederick Trench had to abandon his Bill. Nothing more was done till the year 1844, when a Royal Commission took up the subject. That Commission was presided over by the Duke of Newcastle, and after hearing a great deal of valuable engineering evidence, they reported that it was desirable the river should be embanked between London Bridge and Vauxhall Bridge, and recommended, as the most pressing part of the work, that the section between Blackfriars and Westminster should be first proceeded with, and a Bill was introduced in 1845, but did not become law. In 1860 the subject was again renewed in that House, and a Committee appointed to inquire into it. They recommended, as the previous Commission had done, the Embankment of the River between Blackfriars Bridge and Westminster Bridge, and suggested that the Coal Duties would form a proper source from which to defray the expense. That Committee did not consider themselves competent to choose among various plans. Last year a Royal Commission went very fully into a large number of plans submitted to them by the most eminent engineers. They recommended not only an embankment generally, but the specific plan to which the Bill now about to be introduced was intended to give effect. That plan, he thought there could be no doubt, was the best yet devised. The subject had been so thoroughly investigated that almost every engineer of distinction had had an opportunity of giving his opinion and making suggestions upon it, and the plan now proposed had the sanction of a Commission, comprising not only very able scientific men and eminent engineers, but also thorough men of business. The main advantage it possessed over most of those previously suggested was, that it did not attempt to maintain the wharves. Almost all the former plans were only ingenious modes of combining access to a wharf with a roadway—a difficulty which no engineering skill could satisfactorily overcome. The last commission, therefore, thought it better to buy up the wharves and abolish them altogether, and

then make a solid embankment with an ordinary roadway. No public inconvenience would arise from that arrangement, because the former necessity for those wharves in the neighbourhood of Scotland Yard, which were principally coal wharves, had been superseded by the facilities afforded at railway stations; and in the docks there were means for transferring cargoes from colliers into railway trucks, and conveying seaborne coals to the north and west of London. In fact, any establishment of wharves in the immediate vicinity of Charing Cross, the Strand, and Whitehall, was obviously a great inconvenience; and the general utility of those thoroughfares would be increased by their removal. In point of economy, too, it would be better to give the owners of the wharves the whole value of their property; rather than compensate them first for the injury done them during the progress of the works, and secondly for the ultimate detriment to their wharves after the works were completed. Another feature of the plan was the formation of a thoroughfare from Blackfriars Bridge to the Mansion House; because a mere roadway along an embankment, as far as Blackfriars Bridge, would not supply that great *desideratum*, a complete thoroughfare from the West End and Charing Cross to the Mansion House, the centre of traffic. It was originally proposed that the embankment should proceed further east than Blackfriars Bridge; but the river was very narrow between London Bridge and Southwark, and any encroachment upon it in that part might be injurious to the navigation. And as to the space between Southwark Bridge and Blackfriars Bridge, the narrowness of the river and the great value of the wharf property would render the advantages of embankment quite incommensurate with the expense. Therefore the plan he proposed consisted of a roadway, commencing from Westminster Bridge, passing along the banks of the river until it reached Blackfriars Bridge, then proceeding with a street of seventy feet in width across Thames Street and Cannon Street, and reaching that great centre of the City which was surrounded by the Mansion House, the Bank, and the Royal Exchange. The funds from which the work was to be executed were those which were appropriated to the special purpose by an Act of last Session. The London Coal and Wine Duties Continuance Act provided that the

coal duties should be applied in the first place to the Thames embankment, and afterwards to any other public improvements that might appear desirable. The whole of the coal duties during the period for which they were continued by the Act of last year—namely, ten years, would be required for the former object. It was the opinion of the House last year that those duties could hardly be better employed than in providing for that great thoroughfare and the embankment of the Thames; and, among the many great metropolitan improvements effected by means of the coal duties, none, he thought, would be more appreciated than the subject of the Bill he wished to introduce. He proposed that the execution of the Act should be confided to the Metropolitan Board of Works—a body created by the Legislature for the discharge of duties of a similar nature. The main drainage of the metropolis was very analogous to the formation of the proposed embankment, and the opening of the proposed street. It was said the Metropolitan Board of Works was too much occupied by the business it already had to do, and that it was too large a body to perform executive work of this importance. But, to guard against that objection, the Bill would provide that the executive works thrown upon them by the measure should not be carried out by the whole Board, consisting of forty Members, but by a Committee to be elected by the Board itself for that special purpose. The Committee would be composed of nine Members, two of whom would be selected from the gentlemen who represented the City of London in the Board; because, as a large portion of the work would pass through the City, it would be right that the interests of the City should be represented in the Committee, as they were now in the Board itself. It had always been thought desirable that the embankment should extend, not merely between Blackfriars Bridge and Westminster Bridge, as proposed by the present Bill, but should extend as far as Vauxhall Bridge or even Battersea Bridge. Now, if his Bill were carried out, there would remain unembanked only that small space between Westminster Bridge and the end of Millbank Street, near the Penitentiary. They might hope, in a few years, to see that part of the work also completed, in which case there would be seen from Blackfriars Bridge to Chelsea Bridge—a distance of about four miles—

*Mr. Cowper*

as splendid a quay as could be found in any city in the world. The Thames would become visible in its majestic course from terrace to terrace, fringed by such buildings as the Houses of Parliament, Somerset House, and the fine churches and steeples of Sir Christopher Wren. That four miles' promenade and drive would furnish recreation and admiration. At present it was not proposed to deal with the southern side of the river. A Commission was sitting which had heard a great deal of evidence, and until it had reported any decision would be premature. Among the advantages which would be derived from the embankment now proposed, considerable spaces of grass and trees would be thrown open to the dense population of the neighbourhood, and here they might breathe fresh air, for he hoped that the river would then be free from sewage, and that the people would obtain enjoyment and healthy recreation from disporting themselves on the bank of a clear river. At some points it was intended to let the land on building leases, and he hoped that at those spots handsome terraces and streets would arise which would be an ornament to the banks of the river. The powers contemplated by the Bill would be committed to the Metropolitan Board, without any control or interference. The coal dues were at present in the hands of the Treasury, and the Bill would empower the Treasury to pay the money to the Board, who, however, would be left free and unfettered in executing the purposes of the Act. The right hon. Gentleman concluded by moving—

“For leave to bring in a Bill for embanking the north side of the river Thames from Westminster Bridge, and for making new streets in and near thereto, and from Blackfriars Bridge to the Mansion House,”

MR. AYRTON said, he rose on a point of order. The Bill which it was proposed to introduce was for the regulation or appropriation of a public tax levied under the Act of the last Session, and it was unusual to introduce such a Bill except in a Committee of the whole House. The right hon. Gentleman seemed to have forgotten the precedent to which he lately submitted when he proposed to appropriate a tax for the purpose of making a road in Kensington Gardens. That road was to have been made with funds taken from the Coal and Wine Duties, and he (Mr. Ayrton) had pointed out to the right hon. Gentleman that it ought to be introduced



in Committee. The right hon. Gentleman accordingly made the usual Motion that the House should resolve itself into a Committee for the purpose of considering the Act, and it would be a dangerous precedent if that course were departed from in the present instance. The Coal Tax was in point of fact a public tax, and ought not to be treated in a local Bill. Again, it was extraordinary that the right hon. Gentleman should have given no estimate, and not said a word about the sum he wanted to complete these works.

MR. COWPER said, that the view he took of the proposition in the Bill was, that it did not impose any charge upon the public in regard to rates or duties, and consequently he thought he should be departing from all precedent if he had asked to introduce the Bill in Committee. No doubt it did appropriate rates and duties already granted, but he had never heard that the mere appropriation of a charge already created ought to be introduced in a Committee of the whole House. As to the Bill for making a road through Kensington Gardens, if it had been carried into effect it would have indirectly imposed a charge upon the public. As to that part of the Bill which sought to amend the Coal and Wine Duties Act, his proposal was that, whereas at present the Bank of England was only required to keep one account, it should in future be required to keep two accounts of the fund—one a cash account, and the other a stock account.

SIR JOHN SHELLEY expressed an opinion that the usage of Parliament required that the Bill should be introduced in Committee.

LORD JOHN MANNERS said, it was impossible to estimate the effect of words which were introduced for the first time into the Motion as it was put into the Speaker's hands. As he caught them, they referred to the appropriation of public money, and it might be that the hon. and learned Member for the Tower Hamlets was right. He should have the greatest possible pleasure in supporting the Bill, because, as he understood, the creation and management of that great metropolitan improvement were to be handed over to the Metropolitan Board of Works. At present he reserved his opinion on the details; but, as he had caught an allusion to some suitable public buildings which were to recreate the eyes of the Londoners, he

might express a hope that neither the noble Lord at the head of the Government nor the right hon. Gentleman would have anything to do with them.

MR. SPEAKER: The question is, whether or not any new burden is to be laid upon the people by the proposed Bill of the right hon. Gentleman. The right hon. Gentleman states that no new burden is laid on by the Bill. It is merely for the appropriation of a sum already voted. The Amendment added with respect to the London Wine and Coal Duties Act has nothing whatever to do, as I understand, with the question of taxation, but merely has reference to some alteration respecting the mode of keeping the accounts. Under these circumstances, it does not appear to me that there is anything informal in the Motion which the right hon. Gentleman has made.

MR. W. WILLIAMS said, he could not but express his regret that the right hon. Gentleman (Mr. Cowper) had not included the south side of the Thames in his Bill. He should be glad to hear from the right hon. Gentleman whether there was any prospect of the southern embankment being carried out at an early period. It was a matter of great importance to the comfort of the inhabitants in that district, as they were constantly inundated, and would suffer greater inconvenience if the north side only was embanked.

MR. LOCKE said, he thought some consideration ought to be extended to the inhabitants of the south bank, and he should like to have some assurance as to whether the embankment on the north side was to be made with reference to the prospective embankment on the south side. As to the embankment from Millbank Street to Westminster Bridge, he wished to know whether it would be in front of the Houses of Parliament, and how access was proposed, seeing that there was no space for a street between the end of the clock-tower and the bridge. He approved a solid embankment, because the openings for barges would lead to a great accumulation of filth and mud, and he therefore condemned the proposal to have openings in that part east of the Temple Gardens, merely for the convenience of the City Gas Company. Those works might have been removed but for an Act which passed two years ago, and even now it would be worth considering whether some of the money from the coal duties should not be applied to get rid of them. He hoped that plans of the works would be

exhibited for the inspection of hon. Members.

MR. BRADY said, he could not but express his surprise at the tone in which the metropolitan Members had treated the question, for without a grand opening of that sort along the river-side London never would be what it ought to be. The mere removal of stoppages would in a few years give an advantage to the mercantile community of London that would quite compensate any new taxation that might be involved; but, in point of fact, no new taxation would be involved. So far from any improvement of the north side impeding that of the south, he believed that if the improvement of the north was carried out, the improvement of the south must follow. He cordially approved of the proposal of Government.

MR. COX said, he agreed that it would be desirable that the House should have the plans of the embankment before it previous to the second reading. He wished to call attention to the injury which would be inflicted upon persons occupying premises and engaged in trade along the river side by the proposed embankment. Those persons must remove to a distance, and have carts and waggons running from their yards to the side of the river. He should also like to have some further explanation of the use of the new road from the embankment by Earl Street to the Mansion House. He was of opinion that it would be utterly useless in removing the real press of traffic. If the improvement were carried out as proposed, it would be necessary to renew the coal tax for another ten years beyond those proposed by the Bill; and, as regarded the southern side, he was afraid that it would be little better than a nuisance, and would produce a constant overflow on that side of the water. He should be glad to hear from the right hon. Gentleman what effect it was expected the embankment would have on the foundations of London Bridge.

MR. CONINGHAM observed, that he conceived the proposed embankment would prove to be one of the most important metropolitan improvements which had ever been proposed, and he was surprised that the hon. Member for the Tower Hamlets should persevere in making war on all the schemes suggested for the improvement of London. The matter was one which regarded the whole country, in a certain sense; for it was not only the inhabitants of London who paid the coal tax, but every-

body who came into London and helped to burn coals there had a share in it. As the representative of London-super-Mare, he should give his best assistance to pass the Bill.

MR. KINNAIRD thanked the President of the Board of Works for the very excellent metropolitan improvement which he had proposed.

Leave given.

Bill for Embanking the North Side of the River Thames from Westminster Bridge, and for making new Streets in and near thereto, and from Blackfriars Bridge to the Mansion House, and for amending the London Coal and Wine Duties Continuance Act, 1861, ordered to be brought in by Mr. COWPER and Mr. PEEL.

Bill presented and read 1<sup>o</sup>.

# INNS OF COURT GOVERNMENT BILL.

## LEAVE. FIRST READING.

SIR GEORGE BOWYER, in rising to ask for leave to bring in a Bill for the better Government of the Inns of Court, said that at that late period of the night he would not occupy the time of the House by explaining at length the object of the measure, but would reserve his detailed statement until the second reading, which would be put off until the members of the Bar had returned from their circuits. He would, however, briefly state the evils of the present system under which the Inns of Court were governed. There were four Inns of Court—Lincoln's Inn, the Inner Temple, the Middle Temple, and Gray's Inn—and these were governed by committees composed of benchers, who were entirely self-elected. It was a custom to elect Queen's Counsel benchers; but it was not an invariable custom, the benchers having the most perfect freedom to elect whom they pleased. These benchers also conducted their proceedings in entire privacy, and gave no account of their administration to any members of the Inn. The property of the four Inns amounted to something like £50,000 a year, which arose principally from rents and the payments of Members. These Inns consisted of an intelligent and highly-educated body of men, and what he proposed was that they should have some share in the management of their property and affairs. That was in accordance with the principles of the constitution of the country, as well as with common sense and fairness. He proposed to respect



existing interests, and not to displace the present benchers, but he would gradually introduce the elective principle into the constitution of the Bench. He proposed that the majority of the benchers should be elected by the Bar of each Inn, and that the remaining portion should be elected by the benchers themselves. The benchers had now the power of disbarring barristers, and of dealing with cases of misconduct on their part. In each Inn the benchers exercised that power independently and separately, but there was an appeal to the judges as visitors. There was, however, one great defect in regard to the powers of the present tribunal—that the benchers had no power to summon witnesses or to compel the production of documents, or to administer an oath; and on the second reading he should be prepared to show cases in which justice had probably not been done in consequence of that state of things. One cardinal point in the administration of justice in this country was publicity; but the benchers formed secret tribunals, although their decisions, both as regarded barristers and students for the Bar, were often attended by serious and grave results. One of his propositions was that the bench of each Inn of Court should elect three members, and that the twelve so elected should constitute a court of discipline to take cognizance of the cases to which he referred. That court would hold its sittings in public, and have all the powers which a court of record had of administering an oath, of compelling the attendance of witnesses and the production of documents, and of punishing for contempt. There would still be an appeal to the judges as visitors, and the judges, instead of sitting as they now did in private, would sit in public.

Motion made, and Question proposed,

“That leave be given to bring in a Bill for the better Government of the Inns of Court, and for the Discipline of the Bar.”

THE ATTORNEY GENERAL said, he was not disposed to quarrel with the statement of the hon. and learned Member as to the present constitution of the Bench. The hon. and learned Member, of course, did not mean to insinuate that the benchers did not in the administration of the funds act for the real benefit of the Inns. [Sir GEORGE BOWYER: Hear.] In that respect the conduct of the authorities in question had been beyond reproach. Un-

der the circumstances which the hon. and learned Baronet had stated, he thought it would be better that any discussion on the measure should be postponed. He should not object to the introduction of the Bill, but he must not be taken to admit the existence of any evils in the existing constitution of the Inns of Court, or any need of Parliamentary interference.

MR. BOVILL said, he would offer no opposition to the introduction of the Bill; but, at the same time, he must beg leave to be understood as not assenting to the necessity for it. The subject had been frequently inquired into, and upon the last inquiry in 1855 the Royal Commissioners had been satisfied upon every point. The Commissioners, including such men as Sir W. P. Wood, Sir J. T. Coleridge, Sir A. Cockburn, and others, reported that they found no trace of any misapplication of funds, but they did find many instances of disinterestedness and public spirit on the part of the benchers in not enforcing the payment of fees. For the administration of the funds it would be impossible to select a more efficient body than the present benchers, who comprised some of the most eminent names in our legal annals. With respect to the investigations of those bodies into the conduct of members of the Bar, it was true that they were conducted in private; but in what other way could an inquiry be conducted in which the moral conduct of members of the Bar was in question, without inflicting serious injury upon the persons accused?

Leave given.

Bill ordered to be brought in by Sir GEORGE BOWYER, Mr. WILLIAM EWART, and Mr. HENNESSY.

Bill presented and read 1<sup>o</sup>.

#### COLLEGE OF PHYSICIANS (IRELAND) BILL.—LEAVE.—FIRST READING.

SIR ROBERT PEEL said, he wished to move for leave to introduce a Bill to define the powers of the President and Fellows of the King and Queen's College of Physicians in Ireland with respect to the election of Fellows. He need only state at that late hour that it was desirable to place the Irish College upon the same footing as the English and Scotch Colleges, which could receive Fellows from any University, whether home or foreign; whereas at present the King and Queen's College of Ireland was restricted to per-

sons who had graduated at Oxford, Cambridge, or Dublin.

MR. WHITESIDE asked, if the Bill was brought in after communicating with the heads of colleges in Ireland.

SIR ROBERT PEEL was understood to reply in the affirmative.

Leave given.

Bill to define the Powers of the President and Fellows of the King and Queen's College of Physicians, in Ireland, with respect to the Election of its Fellows, *ordered* to be brought in by Sir ROBERT PEEL and Sir GEORGE GREY.

Bill *presented* and read 1<sup>o</sup>.

#### BASTARDY (IRELAND) BILL.

LEAVE. FIRST READING.

SIR ROBERT PEEL said, that he then rose to move for leave to bring in a Bill to render putative fathers of bastard children in Ireland liable for their maintenance. Last year the Committee on the Poor Law recommended that some measure of the kind should be passed for Ireland, as these children were now maintained at the expense of the poor rates. The Committee recommended that the board of guardians should sue putative fathers for the recovery of the money expended in the maintenance of the children. It was, however, the opinion of the Poor Law Commissioners that it would be better to assimilate the law of the two countries, instead of reverting to a law which had been abandoned in England after ten years' experience.

Leave given.

Bill to render Putative Fathers of Bastard Children, in Ireland, liable for their maintenance, *ordered* to be brought in by Sir ROBERT PEEL and Mr. CLIVE.

Bill *presented* and read 1<sup>o</sup>.

#### EDUCATION (SCOTLAND).—LEAVE.

THE LORD ADVOCATE, in rising to move for leave to bring in a Bill to make further provision for the education of people in Scotland said, that at that late hour (twenty minutes past twelve o'clock) he would confine himself to a brief statement of the general principles of the measure. There had long been a feeling in the North that the Privy Council system, however necessary for England, was in many respects unsuitable for Scotland. The measure

passed last year for the latter country was as successful as its warmest friends could desire, and what he had now to propose, was an extension of the old national education of Scotland, on a system commensurate with the wants of the country. The first object of his measure was to ascertain what schools were required on the basis of the national system, and the next was to provide for the maintenance of these schools, at the same time withdrawing Government aid from any schools except those so established. As matters were, it often happened that two schools, both receiving Government assistance, stood side by side, and each merely withdrew scholars from the other, while at the other end of an extensive parish there might be no school at all. The result was that they got no adequate return for the public money expended on education. He proposed to nominate a commission composed of the leading officials of the Universities, sixteen in number, with four names added by the Crown, making twenty in all. These commissioners would have the power to go over the whole of Scotland, and to decide what schools were necessary, where they ought to be placed, and of what character they should be. The schools established under the Bill would be rural schools and district schools. The rural schools would relate to country parishes, and would be a mere extension of the parochial system. In no part of the Bill did he propose that the burden on the heritors should be greater than the *maximum* salaries now paid to schoolmasters; in fact, the burden would be in many cases alleviated, for where two schools now existed one would often be sufficient. As he proposed that the Government should pay half the entire expenses of the schools established under the Bill, in cases where only one school was found necessary the heritors would be relieved where two schools now existed from the payment of half the present salaries. The district schools would be established in populous districts (not being Royal burghs) where schools were required. The commissioners would say where these schools should be placed. The sheriff would call a meeting of the rate-payers, and if two-thirds of the rate-payers present at the meeting, and half those who were upon the valuation, objected to the school, it would not be established. If otherwise, the school would be immediately founded. In regard to the Royal burghs, they would have

*Sir Robert Peel*



power to assess themselves to the amount of a halfpenny in the pound, and the Government would contribute a sum proportioned to that raised by the district. The expenditure of that money would be placed under the control of the town-council, because the members, being elected by the inhabitants, were the best judges of what the localities required. The government of the schools, with the exception of parochial schools, would be placed under the University Courts, which should have complete power over the masters. With respect to the Episcopalian and Roman Catholic denominations, it was not proposed to include them necessarily under the Bill; but it was believed that, with certain provisions inserted in the measure, those denominations would not be unwilling to come within its scope. The proportion of Episcopalian and Roman Catholic schools, however, was not large, as would appear from the fact that £80,000 were paid to the Presbyterians, and only £6,000 to the Episcopals and Roman Catholics taken together. Then it was proposed to take less money than what was now granted, because by good management it was believed that £75,000 would suffice, which was £5,000 less than was paid to the Presbyterians under the present system. With that explanation he would conclude by moving for leave to bring in the Bill.

MAJOR HAMILTON said, he wished to inquire if the Commissioners were to determine whether the schools in a particular district were too many or too few; and whether, where there were two schools, they would have power to say that one of them would be the parochial school?

THE LORD ADVOCATE replied that there would be a provision in the Bill which would regulate that matter.

SIR EDWARD COLEBROOKE inquired what provision was made for inspection?

LORD JOHN MANNERS asked, whether the principles of the Revised English Code would be applied to the schools in Scotland; and whether Episcopalian and Roman Catholic schools would be allowed to draw the Government money under the existing system?

MR. G. W. HOPE said, he entertained great doubts whether the mode in which the learned Lord Advocate proposed to proceed would be sanctioned by that House. He understood the Commissioners were to inquire into all matters connected

with education, and were not to submit the result to Parliament, but to have the entire jurisdiction. That £75,000 should be handed over to the Commissioners for distribution, and that they should have absolute control over the schools, was a proposition which Parliament ought not to sanction without great consideration.

THE LORD ADVOCATE said, that it was a mistake to suppose that the money was to be entirely at the disposal of the Commission.

MR. DUNLOP said, he had no doubt that the Bill would afford the people of Scotland great satisfaction, because it would put an end to the denominational system, which they felt was inapplicable to their country. He did not think that any inquiry into the general education of Scotland was necessary—all that was wanted was an investigation into mere matters of local detail. He thought the proposed Commissioners were well selected and trusted they would form a body well qualified for the duties they would have to perform.

Leave given.

Bill to make further provision for the Education of the People in Scotland, *ordered* to be brought in by the Lord Advocate, Sir GEORGE GREY, and Sir WILLIAM DUNBAR.

House adjourned at One o'clock.

## HOUSE OF COMMONS,

*Wednesday, March 19, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Inclosure; Sale of Spirits.

2<sup>o</sup> Turnpike Tolls Exemption (Scotland); Whipping (No. 2).

### ACCIDENTS COMPENSATION BILL.

#### SECOND READING.

Order for Second Reading read.

MR. AYRTON said, he rose to move the second reading of this Bill, and hoped to be able to satisfy the House of the necessity which existed for the adoption of this or some similar measure. That necessity appeared to him to arise from the condition of the law at the present time regulating the responsibility of masters to their workmen in cases of accident. When he stated that it was only so late as 1837,

and then for the first time in Westminster Hall, that a claim was made by a workman against his master for damages on account of an injury sustained by him through the negligence of his master, hon. Members would understand the reason for their being called upon to consider this subject. When that claim was made, the judges were completely taken by surprise. They expressed their astonishment at such a proceeding, and held that no such claim having been preferred before was a proof that no such claim could be recognised at law, and they at once directed a verdict for a nonsuit. The judges on that occasion assigned, indeed, some reasons for the rule of law which prevented a workman claiming damages from his master for an injury received owing to his master's negligence. Those reasons, were derived from principles of jurisprudence; but with great deference to the judges, he did not think that the reasons which they assigned were the true reasons for the then existing state of the law. So far from the law being founded on principles of jurisprudence, as had been suggested—that was to say, upon principles of expediency and convenience—it was founded upon the history of legislation, and might be traced back to the time when the working people of England were in a state of bondage scarcely removed from slavery, and when the villain was not entitled to sue against his master. The statute-book was full of laws regulating employment, but it was always in the interest of the master that the Legislature interfered. A great plague during the middle ages, which swept away great masses of the working people, while it spared the masters, caused the relations between masters and men to assume a new and improved aspect. In the time of Queen Elizabeth another great social convulsion occurred, and led to a reconsideration of the laws regulating the industry of the people. Among other changes, the law then enacted that a workman should be hired by the year, and that if he were injured in the service of his master during that period, the master should continue to pay him his wages; so that, in point of fact, in the reign of Queen Elizabeth, the master was practically responsible for injury done to his servant. That House had never considered these questions unless compelled to do so by great political events; and after another long interval, when the throne of George II. was threatened, in 1746, the law

affecting the responsibility of the master to the workman was reported to be in a most unsatisfactory state. A new law was accordingly passed, providing that questions generally arising between masters and workmen should be examined and decided by justices of the peace. By one of the provisions of that Act, in cases of non-payment of wages a workman was allowed to appeal to a justice. If a workman established a complaint against the master, he was not entitled to damages or compensation for the injury he might suffer, but might obtain a discharge from his master's service. The master, on proving a breach of a contract entered into with him, would be entitled to recover damages; but if the workman proved his case, he was cast upon the world, and that was the satisfaction he obtained because the master had not fulfilled his obligations towards him. The fact that no suit such as he had referred to had been brought until 1837 was owing, he thought, to an impression created by the state of the law, that Parliament had by its legislation determined the question as between master and workman. Another reason was that, from the condition of the working man, he was not in a position to appeal to the higher courts of law to obtain redress for his grievances. Another reason was to be found in the state of the superior courts themselves; for although a poor man could sue in those courts, the pursuit of justice there was expensive, complex, and unsatisfactory, and none but the rich thought of entering them, because they only were able to maintain a suit that was likely to be contested. In fact, it was not until within the last twenty or thirty years that the doors of the courts in Westminster Hall were thrown open to the people at large. There was another reason why such a case should not have been brought before the courts in Westminster Hall before the period he had mentioned. In the earlier organization of industry, accidents and causes of accident were comparatively few, because industry was in its simple form, and every workman had the sole command of the entire operation in which he was engaged, and, if he sustained an injury, by principles of law—with which he did not ask the House to interfere—he would not be entitled to sustain an action against his master. If a man were injured by the wilful act, neglect, or default of another, he was, as a general rule, entitled to go to a court of



justice and obtain damages, whether the act was performed by the party himself or by the person employed by him. That was the principle which he wished to extend by the Bill, because he held that if a person were not responsible for all the persons he employed, the most injurious consequences would be likely to ensue. From 1837 the courts of justice had been attempting to build up a code of law, and a system of jurisprudence, applicable to the relations of master and workmen; but they had failed, because they had not the power to succeed. They came to the consideration of the subject within the narrow bounds of the law they were to administer. They found themselves fettered by the negative principle that a man was not entitled to go to a court of law. In a Scotch case which came on appeal before the House of Lords, in which the question was whether a mine-owner could be held responsible for an injury a collier had received, Lord Cranworth declared—

“When a master employs a servant in a work of a dangerous character, he is bound to take all reasonable precautions for his safety. It is the master's duty to take care that his servant is not induced to work under the notion that tackle or machinery is stanch, when, in fact, the master knows, or ought to know, that it is not so; and if from negligence in this respect damage is received, the master is responsible.

If the Lord Chancellor had stopped there, and if that were the law of the land applicable to all cases, it might go a long way to relieve courts of difficulty; but the Lord Chancellor added—

“It is very true, if a master employs several servants in the same operation, the persons engaged being competent persons, should an accident happen to one by the neglect of another, the master is not held responsible.”

If the law had been kept within the limits of the principles then laid down, there would have been no difficulty; but questions had arisen which had involved it in complications. Lord Cranworth had remarked in the House of Lords, in a Scotch case—

“A master, by the laws of both countries, is liable for accidents occasioned by his neglect towards those whom he employs.”

And Lord Brougham added—

“He is answerable generally for the state of his tackle;”

which in that case was defective, and had occasioned the damage and accident. It had been held that, if a statute imposed a duty upon a master in relation to his

workmen, then the master was liable for the consequences of neglect, whether personally cognizant of it or not; but that position was entirely subverted by the general principles to which he had referred. In the case of an action brought by a seaman against a shipowner, it was decided that the seaman could obtain redress if injured by the neglect of the master to put medicines on board, because that duty was imposed by statute; but that he had no claim for injury sustained from the unseaworthiness of the ship. His own proposition was that, whether the duty be imposed by statute or by moral obligation necessarily resulting from the nature of the contract, it was equally incumbent on the master to fulfil it; and that if he failed to do so, and thereby inflicted a grievous injury on the man he employed, he was bound to give compensation. The distinction which had been drawn could not be upheld. He did not complain of the Judges for having made it; it was the necessary result of the difficulties in which they were placed in having to administer an antiquated common law, applicable to the state of society existing 500 years ago. In the case of certain factories, the attention of that House had been drawn to certain specific neglect of duty on the part of employers which had resulted in injuries to workmen; and dealing with the particular facts brought under notice, it had enjoined upon masters to do certain things for the protection of their workmen, imposing liability to pay compensation for the consequences of neglect. A number of laws had, likewise, been passed for the regulation of mines. Factory owners had asked why they had been singled out for this penal legislation; and he had always felt the force of the question, seeing that there were many employments which imposed greater duties upon employers than did factory labour. He therefore asked the House to give the same protection, and to impose the same responsibility, in regard to every other branch of industry. The Judges having held that a master was relieved from responsibility to his workman on account of injury for which he would be liable to any other member of the community, if he only employed a competent person, the consequence was, that if a man were wealthy enough to interpose a screen between himself and his workman, he could, under the existing law, wash his hands of all responsibility; if not, and if he busied himself in looking

after the work, and endeavoured to protect his workmen, the very fact of his interference would, under the operation of the law, render him responsible. This position of the law left courts of justice to try the absurd issue whether a man was competent. The Courts having decided that a master was not responsible to his servant for injuries done by a fellow-workman, there might, perhaps, be less objection to the present state of the law if the definition of "fellow-workman" could be confined to what was really a fellow-workman — namely, a man manually doing an act in conjunction with another; but the Courts having held that a person employed in any branch of an undertaking was a fellow-workman with others so employed, but with those employed in another branch, the result was; that people who had no relation with each other, who had no possible connection with each other, and could not have, were brought into a state of solidarity in respect to their conduct to which they ought no more to be subject than any other members of the community. The Courts had often said, that if a clerk were sent in a railway carriage by desire of a railway company, and were injured in consequence of the misconduct of the driver of the train, both being persons engaged in a common employ, the company were not responsible to this clerk. So with regard to the case of a workman working in a mine underground, to whom the master was not responsible for any injury he might sustain through an act of misconduct on the part of those who worked above. What justice was there in the principle which declared, that if a learned counsel were sent by a railway company a journey by a railway in order to conduct a case for them, he would be entitled to claim damages for any injury he might sustain; but if a clerk were sent with him to aid him in the performance of his duty, and were injured at the same time, he should not be entitled to recover, because he was their servant? If a master was responsible for the injury done to a workman who was not engaged in the same business as the person by whom the injury was caused, then he ought to be responsible for an injury done to one who was engaged in the same business, because the workman had no discretion as to the choice of persons employed by his master. To make the proposition of law more ridiculous, it had been held by the Courts that if a man-servant were in-

jured, who was not in the common employ, then the master was responsible. If two servants were brought together to conduct an operation, and they happened to be the servants of two different masters, and one servant by his negligence inflicted an injury on the other, then the master was responsible. That was a complication of the law which ought not any longer to be maintained. Was it not wise, then, he would ask, in that particular instance to make manifest to the working people that Parliament was ready to give them the same measure of right and justice that every other class of the community could obtain in the courts of justice? But he would not confine himself to the justice of the case alone; he would ask the House to consider it as a question of policy. When the law was in a state of confusion, was it not right to attempt to remedy that confusion? Parliament had thought it right to deal with similar cases before; where, then, was it to stop? When perfect freedom of industry was given, the House was startled by persons coming to it and saying that the lives of the people were being destroyed in consequence of that freedom. He was sensible of the difficulty of the course in which they were embarked, but they could not arrest it; they were obliged to go farther, from the fact that free industry had proved a failure. The disclosures which were made before the passing of the Factory Act proved that it was a failure, because they led to a measure which Parliament looked back upon as a marvel of legislation. What did the Factory Act effect? Why this, that the workmen employed in the factories of Lancashire should be allowed time to eat their dinner, and forthwith masters were obliged to curb their ardour in the competition of free industry. The reports of the Inspectors of Mines and Factories showed, that while there were many gentlemen to whom the utmost credit was due for the care, skill, and humanity with which they conducted their operations, yet that there were other persons engaged in the same branches of industry who, for want of capital or skill, proper care or humanity, but with a very keen regard to their immediate profit, neglected those precautions and duties which the better conducted members of these branches of industry were always ready to perform. It had been shown that much of the evil that existed was the result of a stinted



management. It could often be traced that the man who embarked in an enterprise of that nature had not the capital to regulate it in a manner consistent with the safety of the people he employed; and if they made him responsible, he would not embark in an enterprise which, as Mr. Alexander showed in his report in 1860, required large means to have it carried on with a reasonable degree of safety. But, under the present system, the consequence of penurious management, or insufficient means, would be only to throw the burden off the shoulders of the employers upon the poor rates of the country. On the other hand, his Bill would prove a benefit to all well-conducted men, because it would prevent them being brought down by the injurious competition of those who would not come up to their own moral standing. The tendency of the reports on factories went to show how necessary it was to bring home to all those who set in motion bodies of workmen a direct and immediate responsibility for the well conducting and well regulating of their undertakings. Mr. Horner, in his report on factories in 1859, stated—

“If there were brought under the eye of every mill-owner, every half-year, a detailed account of the accidents reported and of the causes of them, such a picture would be very likely to induce him to take measures against the recurrence of accidents of a similar kind in his own mill by all practical means,”—and he added the melancholy fact, —“but such, of course, is obviously impossible.”

Now he (Mr. Ayrton) was endeavouring to follow that course, and he thought the only way in which every accident would be brought under the eye of every mill-owner was to make him personally responsible. He would then become acquainted with the circumstances under which the accident happened, what caused it, and he would have his mind quickened to the consideration of the subject. Mr. Baker in his report, in 1860, drew a comparison between the number of accidents that occurred in different kinds of factories. It appeared that in the cotton mills there was one accident to 261 persons, in the woollen mills one to 348, and in the silk mills, where the manufacture was more simple, one to 2,251. But in Nottingham, where a large number of people were employed among machinery not protected by law, there were in 1859 a total of 2,294 accidents, giving a proportion of one accident to 27 persons; whereas, where manual labour was employed, the accidents were but one in 2,251. He was not charging

that vast disproportion upon the employment of machinery, but still the fact with regard to Nottingham remained. In Lancashire and Cheshire, in a population of 2,400,000, the number of deaths from violent wounds were—of males, 1,666; of females, 631 per annum; and the deaths from fractures and wounds—of males, 827; of females, 143. But in Essex, Suffolk, and Norfolk, out of a population of 1,113,000, the number of violent deaths to males was 393; to females, 129; and the deaths from fractures were 129 to males; to females, 22; thus showing the large difference which resulted from a somewhat normal condition of industry. A man of business with whom he had been conversing on this subject gave it as his opinion that any concern which was not able to compensate a workman for an injury done him ought to be given up. He hoped the measure which he was submitting to the House would be considered upon its own merits. No influence had been brought to bear upon the House. If there were any objections to the form of the Bill, they could be discussed in Committee. All he proposed was that the workmen should be enabled to recover an amount of compensation limited precisely to the degree of injury sustained—the loss of wages and the expenses of the doctor consequent on the injury. He had thought it wise to restrain the working men from presenting petitions on the subject, as he preferred to leave the matter entirely to the justice of the House. He trusted, therefore, his hon. and learned Friend (the Attorney General) would permit the Bill to go into Committee, and assist him with such suggestions as his knowledge of the law might enable him to make. In conclusion he moved the second reading of the Bill.

Motion made, and Question proposed, “That the Bill be now read a second time.”

THE ATTORNEY GENERAL said, he would not follow his hon. and learned Friend through all the stages of the discursive speech which he had made, commencing with the period of villainage and dwelling on the calamitous effects of the plague, but would confine himself to the consideration of the existing law, and of a matter to which the hon. and learned Gentleman had scarcely devoted a single word—namely, the provisions of his own Bill. On the Motion for leave to introduce the Bill, he had expressed a hope that the mea-

sure would not seek to extend unduly the liability of masters, but the hope so expressed was entirely disappointed. He would therefore state the reasons which had led him to the determination rather to move the rejection of the Bill than to agree to its being sent to a Committee. He had well considered the measure of his hon. and learned Friend, and he had come to the conclusion that it would be not only unjust to the employer of labour, at whom it might be said to be levelled, but also to the workman, in whose interest and for whose protection, no doubt, it was intended. Its provisions, he thought, were such as to be incapable of amendment. The existing law was a reasonable and just law; the proposal of his hon. and learned Friend went to an extreme; and he could not satisfy himself that it would be possible to substitute any measure of liability which should go beyond the existing law, and yet should stop short of the liability proposed by that Bill. At present the liability of the master was limited to the use of due and reasonable care; but the Bill would, under all circumstances, make the master insure the safety of the employed, so far as regarded his fellow-workmen. Therefore it would be almost trifling with the House if we were to make no objection to the second reading. The House would bear in mind that the discussion which had been raised with reference to the liability resulting from the relation of master and servant had no bearing whatever upon that other class of liabilities where agents or subordinates were employed, either as regarded persons who had contracts with the principal, or as regarded persons between whom and the principal no contract relation existed. The first case was the ordinary one of contract between a person who offered himself as a passenger to be carried by railway and the railway company. The railway company, in consideration of the fare received, contracted that due and reasonable care should be bestowed in the carriage of the passenger. Railway directors could not, of course, drive the engine, and the acts which they undertook to do must be performed by means of servants or subordinates. It was therefore a rule of common law and common sense that the company must be answerable that the act which they had undertaken to do should be done with proper care. The other case was one also of ordinary occurrence. A shipowner employed his captain and crew to

*The Attorney General*

navigate his vessel; other owners did so likewise; and there was a common law obligation on both sides that due care should be exercised so as to avoid collision, and the owner was responsible for the acts and omissions of his servants. Therefore it was impossible to deny that there was a general rule that in such cases the master should be answerable for the neglect or misconduct of his agent—the legal maxim was *Respondet superior*. But he denied that that principle of law applied to the case to which it had been sought to make it applicable, so that a master who might have taken all due care and reasonable precaution in providing proper tackle and machinery and competent servants, should be liable for the act of one of two servants in his common employ, which might result in the injury of one of them. He denied that, A and B acting together as fellow-workmen, one of them, B for instance, was the agent of the master. The intention of the engagement between the parties was not that the employer should himself be the co-operator or *collaborateur* of the workmen, but that the person who engaged to work under a master should work with his fellow-workmen. That was the bargain into which he entered, and that was undoubtedly the practice in all operations of manufacture. He would now state the existing law upon the matter under discussion, and he would then ask the House to consider whether the Bill would not, if passed into law, rather exaggerate than remedy existing evils. First, as to the liability of masters for their own defaults, his hon. and learned Friend had unintentionally understated the matter. He (the Attorney General) could hardly conceive how any reasonable enactment could go beyond the existing law. A master was liable for every consequence of his own negligence or breach of duty, and that principle applied equally to persons who employed 1,000 workmen and to those who employed only a few. He could not agree with his hon. and learned Friend that this first became law in the case of *Priestly v. Fowler*. The words of the Chief Baron of the Exchequer in 1858, with respect to this point, were to the effect, that extreme caution should be taken not to relax the rule, which obtained with respect to servants in a common employ, that masters should not be liable for injury inflicted upon one servant by another. He also laid it down that such was, no doubt, the ancient law. The next case to which



he should advert was one of appeal from Scotland, in which it was laid down by the House of Lords that the master was bound to take all reasonable precautions to secure the safety of his workmen, more especially if the employment in which they happened to be engaged was dangerous. There was also another case, in which a workman was killed in a mine, and in which it was held that the master was liable for the accident occasioned by his neglect towards those who were in his service; and, having cited these cases, he thought he had said sufficient to satisfy the House that, in accordance with the existing law, a very just and considerable amount of responsibility was imposed on the employer, and he did not think it would be fair to increase that responsibility. There remained, then, the other point argued by his hon. and learned Friend, of the non-liability of the master for acts done by one of his servants, whereby a fellow-servant was injured. The law applicable to this matter was that a master was not responsible to his servants for injuries occasioned by the negligence of a fellow-servant in the course of a common employment, provided reasonable care had been taken to employ servants of competent skill. Even here the master was not free from a large responsibility, for he was bound to use due care and caution, not only in having proper machinery and tackle, but to have proper persons to superintend it. The duty of the courts of law was, having established the general rule of law, to determine whether the particular case before them came within that general rule. In illustration of the point he might quote the case which had been brought in 1854 before the Queen's Bench, and in which complaint was made against the defendant, the owner of a ship, by a mariner who had served on board the vessel during a particular voyage. The plaintiff, in the first place, urged that the ship was unseaworthy, in consequence of which his health had suffered; and, secondly, that injury had been done to him in the same respect owing to the fact that certain medicines which the law laid shipowners under an obligation to supply had not been placed on board. The Court in that case held that the first charge could not be sustained, inasmuch as there was no allegation that the owner did not believe the vessel to be seaworthy, and no warranty of her seaworthiness had been given; but a different decision was arrived at with regard

to the second allegation, it being declared that the law prescribed to the shipowner that he should put on board his ships on their voyages specified drugs and medicines, and that for the injury done to the mariner in consequence of the omission to take a precaution which the law imposed upon him the owner was responsible. He might further observe that he believed the rate of wages was in many instances increased because of the greater risk which workmen had to encounter in the prosecution of particular employments, but that circumstance, however, did not absolve the master from the necessity of providing proper persons and machinery for carrying on the work. The House could, under these circumstances, not fail to see that, while a reasonable responsibility was imposed on the master, the exemptions from liability which he enjoyed were hedged round with many guards and precautions.

That being the state of the existing law, he should, with the permission of the House, proceed to consider the proposals for a change in it as they were embodied in the Bill under discussion. Now, then, he would ask, did the Bill affect the liability of masters in those cases in which accidents were attributable to their own neglect? It provided that—

“Whenever any workman or servant was injured in consequence of his master, or any person employed by his master, not doing any act or providing anything which might be requisite or proper, or doing any act or providing anything which might be improper, in or for carrying on the undertaking in which any servant or workman was employed by or on account of his master, then such servant or workman should be entitled to recover from his master damages for such injury by action at law.”

Now, he wished to know whether his hon. and learned Friend desired or not, by the use of those terms, to introduce an alteration into the existing law? If he did not desire to effect a change, then his Bill was unnecessary; but if he did—which of course must be the case—he was, he thought, mischievously interfering with the intelligible rule of law by which the responsibility of the master was at present established, and to which he had already adverted. As matters stood, a master, so long as he exercised “reasonable care and diligence,” was tolerably safe; but what employer, he should like to know, would be safe under the operation of a measure which made him responsible in case he omitted to do “any

act or provide anything which was requisite or proper?" What, he would ask, was to be considered "requisite" and "proper"? What master would be safe if the case against him were submitted to a jury with all their sympathies in favour of the poor persons who had suffered some mutilation or lost some relative, and if the jury were to form their judgment, under the Bill, on the point as to whether some proper act had been done or something which was requisite to be done had been omitted? But if the Bill, so far as it related to injuries resulting from the default of the masters themselves, was objectionable; what, he should like to ask, was to be thought of the proposal of the hon. and learned Gentleman so far as it applied to the responsibility of the master for the omission or act of a workman in his service, by which injury was occasioned to his fellow-servant in the prosecution of a common employment? The provision of the Bill which he quoted evidently introduced new words into the legislation on the subject under discussion—words the precise operation of which it might take years to determine—and would affect the master however anxiously he might have endeavoured to secure the safety of those in his employment, and however liberal his outlay with that object might have been. He might, for instance, have in his service, among a large number of competent and skilful workmen, one who in the main possessed those qualifications also, but who upon a particular occasion might be guilty of some act of omission, or might do something which it was not proper to do, and for the consequences of the conduct of that one man the master would be responsible under the Bill—a state of things which, considering the great magnitude of the operations carried on in our manufactories, and the vast numbers engaged in their prosecution, would involve an amount of liability which he had no hesitation in saying it was frightful to contemplate. Indeed, he was not sure that if such a proposal were to be carried into effect, it would not lead to an evasion of the law by means of special contracts between masters and servants to waive the provision to which he alluded, or result in driving the trade and manufactures of this country to other quarters, in which legislation so vexatious and narrow-minded did not prevail. They had had a recent instance of the enormous amount of suffering

and loss which might be the result of a single accident in a coal mine. He would, therefore, ask the House to suppose the case of a coal mine, in which the greatest pains might have been taken with the ventilation, the setting-up of well-arranged machinery, and the employment of competent workmen, in which, notwithstanding all those precautions, an explosion might ensue from the neglect of a single man in not duly guarding against danger from the light of a lamp, and he would ask whether the master who, having done all that could be done to insure safety, and who would be morally as free from blame under the circumstances as any Member of that House, ought in common justice to be rendered liable to the extent which the Bill proposed for all the mischief that might be consequent on the negligence of a single person in his employ. He might also instance the case of a factory in which similar precautions against accident to those to which he alluded had been taken, and he would appeal to the House to say whether a large manufacturer was, as the hon. Member for the Tower Hamlets proposed, to be required to become the insurer of all his workmen, which would be the practical effect of the learned Gentleman's measure. He further would advert to the case of railway companies and their extensive operations in support of the view which he wanted to impress upon the House. As a final instance he would mention that of a ship, which the owner might have taken every means to render seaworthy, and had manned with the most skilful crew he could find, yet which, owing to no fault of his, was wrecked, and all the passengers lost, perhaps because the captain in the course of navigating her took some rather dangerous short cut, and he would ask whether it was reasonable that the widows and children of all on board should have a right to come on the owner of the vessel for compensation? He should, therefore, contend, that while the proposed change would be injurious to the employer, it could hardly be deemed to be very advantageous to the workmen themselves, who had generally a greater knowledge of the risk which they were likely to incur in entering on any employment than the masters by whom they were engaged. He objected to a scheme by which Parliament was asked to defend men who ought rather to be left to rely on their own intelligence and energy, and mentioned that the immediate effect of the Bill would be likely to be to induce the



master to enter—as he might do—into an express bargain with his workmen, in accordance with which he would be relieved from the responsibility which the hon. and learned Gentleman sought to cast upon him. If the hon. and learned Gentleman were disposed to go further, and say that he would make such a bargain illegal, then he would be departing from those principles of leaving labour unfettered of which he was, no doubt, an advocate. Again, it might happen that the wrongful act or omission by the fellow-servant might be wilful, and so wicked as to amount to a criminal offence; and in that case only did his hon. and learned Friend wish to guard the master against any responsibility in the matter. But let the House consider the inconvenient issues that must arise at any trial under the Act. If they adopted the proposal in the Bill, they must be content that in a civil action between two persons the question should have to be decided whether a third person—the fellow-servant of the party injured—had committed a misdemeanour or a felony. The proposed change would, if adopted, inflict injustice upon the masters, and tend to foster habits of recklessness in the workmen; and he should, in conclusion, for the reasons which he had stated, confidently submit to the House that no good grounds for a second reading had been advanced, and should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”

MR. BOVILL said, that the hon. Gentleman who had introduced the Bill had alluded to the relations of the working classes to those above them, and he proposed to place the parties, as he said, on an equality; but the Bill would impose upon masters a greater responsibility towards their servants than towards the rest of the public. No doubt several remarkable cases of injury from accidents had recently occurred, but in such cases it was desirable to apply the remedy to the grievances which were proved to exist, rather than to pass a sweeping enactment like that under consideration, which might be supposed to include all the cases which could possibly arise, but which, while it professed to provide for equality of responsibility, would throw upon masters an entirely novel responsibility towards their

servants, and one under which they did not now lie towards the public. Nay, more; the Bill would actually require the master to take more precautions for the protection of his servants than of his own family. Suppose a coachman by negligence to upset his master's carriage, killing himself, injuring the wife of his master, and breaking the arm of the footman; the footman would, if the Bill passed into law, have a remedy against the master. Nay, if both he and the coachman were looking at a Punch and Judy show or a party of jugglers, and so caused the accident, the footman was to have the same remedy. The Bill was intended to apply to all classes of persons, and provided that a man and his servant should do everything which was proper and nothing which was improper; but there would be no certain standard to decide what was proper or improper. Take the case of a mine, in which a regulation was made by the owner that the miners should leave the workings when the fire-damp exploded in the lamps. If some men disobeyed the rule, and caused an explosion, the owner of the mine would under the Bill be responsible, and responsible to every miner, to those even who had seen the regulation habitually broken and had not informed the master. And that was what his hon. and learned Friend called justice. In the case of a ship which should be run upon a rock by an error of the steersman, the crew would have a remedy against the owner, even although he had employed an experienced captain and authorized him to engage a suitable crew. In every occupation of life similar injustice would be worked by the provisions of the Bill. If nine men, for instance, undertook work which required the strength of twelve, and an accident occurred, the employer would be liable, although the men had voluntarily and willingly undertaken the work, and knew the responsibility which they incurred. The existing law was perfectly clear and distinct, and afforded protection to the working classes, who had every opportunity of access to the Courts of Law. The only fear was that courts and juries had gone too far. The rule was that masters were bound to use all due and reasonable precautions for the protection of their servants, and that rule had been laid down by Lord Wensleydale and Lord Abinger, by the Court of Exchequer and by the House of Lords. Nor could any rule be

more fair and just. In all the affairs of life a man exercised even with regard to himself only due and reasonable care and caution, and why should he be required to use greater care with regard to his servants? The Bill, in fact, proposed to make the master an insurer to his servants; and its effect would be to diminish the care which they would exercise for the protection of themselves and their fellows, and of their master's property. In some cases, no doubt, it was right that the Legislature should require that extra precautions should be taken, but it was too much to ask the House to legislate in all cases to the extent proposed by this Bill.

MR. H. A. BRUCE said, that though he represented a constituency composed more entirely of workmen than any other in the empire, he should give his hearty and unhesitating opposition to the Bill. There could be no doubt that at present, if a master were guilty of negligence, either by raising ineffective machinery or employing incompetent men, he was held responsible for the accident; but in cases where the accident arose from what might be called the inherent danger of the particular employment, the master ought to be exonerated. The Hartley Colliery accident occurred through the breaking of a cast-iron beam; and although thousands of similar beams were daily in use throughout the country, yet, if the proposed Bill were to pass into law, the owners of that mine would be held liable for damages to every widow and orphan affected by the accident. He thought that the decision of all these cases might be safely left to the Judges of the land. The present law was amply sufficient, and to extend it further would be no advantage to the workman, while it would be a grievous injustice to the employer.

MR. MITFORD said, that he considered the Bill as one of the most one-sided pieces of legislation that had ever come before the House, and he trusted the House would not read it a second time.

MR. W. E. FORSTER said, that he hoped that nothing which had been said in the course of the discussion would be understood as denying the necessity for special legislation to prevent the recurrence of such lamentable accidents as had recently occurred. He did not think it would be desirable to apply the general principle that masters should bear the responsibility attendant on acts done by their servants in the way proposed by the

hon. and learned Member for the Tower Hamlets. There were special classes of employment in which there was a liability to accident, and so far as that liability was incident to the employment, the servant entered into an implied contract, when he undertook the duties, to take the risk of these dangers. In such cases it would be unfair to call in the assistance of legislation. Where, however, it was easy to prevent the occurrence of accidents, it was desirable that legislation should interfere to protect the employed. All agreed that in the present state of the law it would be unfair that the employers should be made liable for every death which had occurred in the sad mining accidents of the North of England; but he was sure they would equally admit that some provisions should be made to prevent the recurrence of those calamities.

SIR MORTON PETO said, that as a large employer of labour, he wished to correct an unfair impression which the observations of the hon. Member who introduced the Bill were calculated to produce in regard to the class to which he belonged. He was prepared to say that the great employers of labour took a fair and equitable view of their responsibilities in reference to their workmen. But if the Bill passed, the masters would be plunged into a sea of litigation, out of which he did not see how they were to emerge. Everybody who knew anything of public works would confirm him in saying that the greatest difficulty the masters had was to make the men take even the most ordinary precaution for their own safety. In operations for blasting, for instance—the men were supplied with the patent safety tubes, but as they involved a little more trouble, they would not use them, unless compelled by the overlooker. So in tunnelling, he had seen men stick a candle against the wall merely by the adhesion of the tallow, with barrels of powder ranged just below. As another instance of carelessness, he might mention a case which occurred about four years ago. At one of his large works powder was in use. There was a strict order that no one should smoke in the sheds in which some of the powder was kept. However, one day he thought he got a smell of tobacco, and, on entering the shed, found a fellow sitting in a very unconcerned manner on a keg of powder, and enjoying his pipe while in that position. All he could say was that, had the man been, as he (Sir Morton Peto)



was, the father of twelve children, and the keg of powder had blown him into the air, he, as the employer, would have been very much dissatisfied had he been called upon to support the unfortunate offspring. When they were endeavouring to do justice, let them show some degree of fairness towards the master as well as the man.

MR. AYRTON, in reply, pointed out the special legislation in the Factory and Railway Acts to show that careless management had been with advantage restrained, so far as Parliament could restrain, in particular cases. He should press the Bill to a division, but he wished to announce his intention to prepare another measure, which, while dealing with the subject in the manner he desired, would remove some of the technical objections made to the measure before the House.

Question, "That the word 'now' stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second reading *put off* for six months.

#### METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

##### COMMITTEE.

Order for Committee read.

MR. BRISTOW said, he would only ask for the Committee *pro forma*.

MR. CRAWFORD said, as the hon. Member had consented to modify the provisions of the Bill with the view of meeting the objections he had urged against the measure, he should feel it his duty, in the interests of the City of London, to withdraw his opposition to it.

SIR FITZROY KELLY said, he was sorry to find that the Corporation of the City of London were satisfied with the Bill. Certain parishes and districts of the metropolis objected to the Bill, as it imposed upon them liabilities amounting to £200,000, for which they alleged they were not responsible either in law or equity, and he hoped the House would be informed of the grounds on which such a proposal was made. He would suggest that the information could be supplied from the evidence taken by the Select Committee of 1860, to which a similar Bill had been referred, and he trusted that evidence would be presented to the House.

MR. TITE said, he thought he should not have any difficulty in satisfying the hon. and learned Gentleman that the cases to which he had alluded had been considered with the view of consulting the interests of the parishes referred to.

MR. AYRTON said, there was an indisposition on the part of the House and the metropolis to give increased powers to the Metropolitan Board. He thought the Bill ought not to pass in its present shape. When the Bill was first brought in, he himself suggested that it should go to a Committee of five, which was done. That Committee was selected as if it were a private Bill before which counsel should be heard. The Committee confined itself to one point having reference to a financial matter. He thought it would be better to refer the Bill to a Committee of fifteen, who would treat it as a public Bill.

SIR JOHN SHELLEY said, he did not wish to throw any difficulty in the way of the Board proceeding with the Bill. He thought, however, that before the Bill was referred to a Select Committee the question of the direct election of the Members of the Board should be first discussed in the House. The Metropolitan Board ought to be able to do for the Metropolis that which the Corporation of the City of London could do for the City; but when they sought for the additional powers which were proposed to be given to them by the Bill, it was felt that they had not acquired the confidence of the ratepayers generally. He believed that that confidence would be much strengthened if they were elected directly by the ratepayers.

MR. ALDERMAN SALOMONS said, having given notice to move amendments, he thought it very desirable that the amendments of the hon. Member for the Tower Hamlets should be brought forward now and disposed of at once. The amendments went to the principle of the election of the Members of the Board.

MR. LOCKE said, that the amendments of the hon. Member (Mr. Ayrton) though very complicated, contained the important principle of the direct election of the Members of the Metropolitan Board of Works by the ratepayers—a principle approved by the Committee which sat on local taxation last year—and, as containing that principle, were worthy of the attention of the House of Commons. A decision ought to be arrived at whether the present system was to continue, or that in existence in all borough corpora-

tions, in accordance with which taxation attended representation.

Bill *considered* in Committee.

House *resumed*.

Committee report Progress; to sit again on *Wednesday* 9th April.

#### TURNPIKE TOLLS EXEMPTION (SCOTLAND) BILL.—SECOND READING.

Order for Second Reading read.

MR. MACKIE said, he saw that the Bill gave an exemption from tolls to clergymen of the Established Church, and he thought that the exemption should be extended to clergymen of all denominations.

Bill read 2<sup>o</sup>, and *committed* for *To-morrow*.

#### WHIPPING (No. 2) BILL.

##### SECOND READING.

Order for Second Reading read.

MR. HADFIELD moved the second reading of the Bill.

MR. HENNESSY said, he hoped the Bill would be enlarged in scope, so as to wholly abolish whipping in prisons. Universal praise was accorded to the prison discipline of Ireland, though there was more whipping in one gaol in England than in all the gaols in Ireland.

Bill read 2<sup>o</sup>, and *committed* for *Wednesday* next.

House adjourned at half after  
Five o'clock.

#### HOUSE OF LORDS,

*Thursday, March 20, 1862.*

#### THE LATE INSOLVENT DEBTORS' COURT —SALARIES OF THE OFFICERS.

##### PERSONAL EXPLANATIONS.

THE LORD CHANCELLOR: My Lords, there is some information on a matter personal to myself which I am anxious to give, as I think it important that it should be well understood, in reference to a discussion that took place in this House on Tuesday last. I find that the Bankruptcy Bill was read a second time in the House of Commons on the 14th of February; it went into Committee on the 18th of February; it was discussed very fully in Committee on the 18th, 21st, and 25th of February, and on the 18th of March. On the last of these dates the Bill, as amended, was reported; and on the 21st of March the report was fully

*Mr. Locke*

considered; every part of the Bill was gone through, save a formal Resolution with reference to Stamp Duty, which was ordered to be considered, and was, in fact, considered and passed on the 22nd, and the Bill was ordered to be read a third time. On the 22nd of March a return from the Insolvent Debtors' Court clerks, which had been presented on the previous day, was ordered to be printed; and on the 22nd of March the House adjourned until the 8th of April; and on the 8th of April the Bill was read a third time and passed without discussion. I make this statement for the purpose of showing that the Return made by the clerks was not, as has been supposed and asserted, on the table of the House of Commons at any time during the discussion of the Bill.

THE EARL OF DERBY: I have to express my deep regret that the noble and learned Lord should have thought it necessary to revert to anything which passed in the painful discussion on this subject which took place the other evening. The noble and learned Lord is entirely correct in stating that during the time when discussions were taking place upon the Bankruptcy Bill this Return was certainly not before the House, and consequently, as a Parliamentary paper, could not have been seen by the noble and learned Lord. But that does not alter the facts of the case. In order to show the sources from which the incomes of these officers were derived, a Return was moved for in the House of Commons immediately on the introduction of the Bill, and that Return was laid on the table of the House of Commons before the Bill was read a third time. The attention of every Member in the House of Commons, and I should have thought more especially of the Attorney General, was called to that Return by the fact of its being ordered to be printed on the 22nd of March. According to the noble and learned Lord's perfectly correct statement, the Bill was not read a third time till the 8th of April, and I should have thought that would have afforded sufficient opportunity to the Attorney General, or whoever had the charge of the Bill, to supply any defect, or to correct any error, which by that Return was pointed out.

#### WRITS OF HABEAS CORPUS INTO HER MAJESTY'S POSSESSIONS ABROAD BILL.—COMMITTEE.

Order for Committee read.



THE DUKE OF NEWCASTLE said, that before the House went into Committee, he was anxious to state why he could not accede to the suggestions made on a former evening by the noble and learned Lord opposite (Lord Chelmsford). The creation of a power of appeal to the home tribunals would be certain to give rise to dissatisfaction in the Colonies; and there really was no reason why such a power should be given, because, if the writ of *Habeas Corpus* were refused in the Court of Queen's Bench, the applicant was enabled, as the law stood, to apply to the Court of Common Pleas. A fugitive slave, like Anderson, was really not exposed to such danger as was generally thought, because the Courts by their decision were not enabled to yield him up; it was necessary that the warrant should be signed by the Governor General. In fairness, however, to the noble and learned Lord opposite, he would state that the Bill as originally draughted contained the very clause which he had suggested; but in accordance with the opinions of the high legal authorities to whom it had been submitted it had been altered to its present shape.

LORD CHELMSFORD said, his experience led him to think it was dangerous to allow Courts to refuse a writ of *Habeas Corpus* where no right of appeal existed by which their decisions could be tested.

House in Committee.

Bill reported without Amendment.

Amendments made; and Bill to be read 3<sup>a</sup> to-morrow.

#### OFFICERS' COMMISSIONS BILL.

##### COMMITTEE.

Order for Committee read.

THE MARQUESS OF NORMANBY said, that some petitions had been sent to him against this Bill, which he should present to-morrow. The explanation which had been given by the noble Earl the Lord President had removed from his mind all objections to the measure, and he hoped that they would have the same effect upon the minds of the petitioners.

EARL DE GREY AND RIPON, referring to a suggestion made by a noble Earl (the Earl of Derby) the other evening, that commissions signed under this Bill should bear on their faces that they were signed in pursuance of authority under the sign manual, said that he thought that such a provision would more conveniently be introduced into the Orders in Council than into the Bill.

House in Committee.

Bill reported without Amendment.

Amendments made; and Bill to be read 3<sup>a</sup> to-morrow.

#### EDUCATION—THE REVISED CODE OF REGULATIONS.

##### QUESTION—MOTION FOR PAPERS.

THE BISHOP OF OXFORD rose to ask the Lord President, Whether it was intended to provide by the new Minutes of the Committee of Council on Education that scholars in night schools should be examined with scholars of day schools. The system of night schools was, in his opinion, one of the most important parts of the recent movement for the advancement of education in this country. He had two reasons for thinking so: first because night schools, like ragged schools, received a large number of the population who but for them would obtain no schooling at all. His second reason was still more important. The children of the working classes being necessarily drafted off to labour at a very early age, the best instruction that could be given to them was that given at night schools. And there was another fact deserving of notice. The education given to children in the day school, although it seemed to be lost, was left potentially in their minds, and was capable of being called forth by subsequent instruction. The night school, as it were, took up and carried out that potentiality, by awakening again that instruction in the child's mind which had appeared to be lost. But if it was a most important system, it was also a most delicate one to handle. The children who attended the day schools were sent there by their parents, and kept there whether they liked or not; but the scholars who attended the night schools went there of their own volition, and if offended by anything which was distasteful to them, would cease to attend. If, therefore, it was expedient to introduce examination into such schools at all, it ought to be introduced with the greatest caution. But, in fact, it was not so much needed in night as in day schools. In the day schools the pupils had, for the most part, no desire to learn, and it was therefore necessary to stimulate their wish for learning by prizes, and to test their proficiency by examinations. In the night schools, on the other hand, the pupils were persons who went there of their own free will, and from a desire to learn, and therefore it was not necessary that examinations should be continually brought to

bear upon them in order to keep them up to the mark. As he read the Revised Code, he was afraid that it was intended that these scholars should be examined with those in the day schools; and he need hardly say anything to show how offensive it would be to grown up persons to be examined with children. Was that what the Government really intended? The only mention of the subject which he found in the Code was the intimation that "scholars attending in the evening only may be presented for examination in any group at the discretion of the managers." From that it would appear that such scholars might be examined in any group the managers pleased, but that in one group or another they must be examined. The adoption of such a course would, he was convinced, be most injurious to night schools, and he therefore hoped that the noble Earl would be able to state that he had misunderstood the Code. He had also to present to their Lordships a large number of petitions from schools belonging to all religious denominations, and in all parts of England, from Cornwall to Durham, but many of them in his own diocese, praying their Lordships to take such steps as they in their wisdom might see fit to prevent the Revised Code, as it had been now altered, from being adopted as the law of national education in this country. Many of these petitions were accompanied by most earnest letters from the managers of the schools, pointing out that they had not been adopted as ready-made petitions, but as the expression of their views upon a subject of which they had personal knowledge. One point brought out in these petitions was, that the amended Revised Code would not, in regard to infant schools, answer the intention of the framers. Children of a tender age were often kept away from school by the weather and other external causes, and regular attendance on their part could not be secured. Several assumptions had been made by those who shared the views of the petitioners against the new Code, which he desired to correct. It was an error to assume that in opposing the amended Code they committed themselves to an approval of everything in the old one. He and others had pointed out several amendments which were required in the latter; and their objection to the new Code arose because they believed it would either aggravate existing evils or provide a remedy which was illusory. It was equally an error to say that those who had for-

*The Bishop of Oxford*

merly opposed the old system had now fallen in love with it. Their hostility to it was directed against the proposal to divorce religion and education; and when the *concordat* with the Church was afterwards effected, they had been able to support the system with consistency; and in the same manner many who opposed the first proposition were now able to support the new Code as it had been altered. Again, nothing could be more unjust than to speak as if the petitioners were complaining merely because they feared that they were going to lose a large sum of money from which they derived personal benefit. The fact was that they had been giving twice as much as they received, for they gave not merely money but time, thought, care, and labour to the work of national education; and if they now complained, it was because they apprehended injury, not to themselves, but to the cause which they had at heart. He wished also to move that two papers be laid on the table of the House—one was a Return which had been given to an Address of the House of Commons, containing copies of memorials transmitted to and correspondence with the Committee of Privy Council on Education touching the Revised Code; the other was a copy of the scheme of inspection for diocesan Inspectors of Education in the diocese of Oxford. His object in asking for the latter paper was to show that the petitioners did not, as was alleged, confine themselves to mere objection, but had proposed a scheme which might easily have been engrafted on the Revised Code. The great evil of the proposed new system was the mode of grouping the children for examination. By their plan children were divided into certain classes according to their progress, and examined in the subjects which were assigned to each class. The capitation grant might be proportioned to the rise of the children into these several classes. While a stimulus would thus be given to advance the education of the children, the managers would be afraid to push them on too fast, lest they should jeopardize the grant by breaking down under the examination. In that way the true end of examination would be served, which was not to ascertain whether on a given date a particular John Tompkins had attained this or that stage in his education, but whether the school at which John Tompkins attended was doing its work properly. The great evil of the Revised Code was that it was a bill of pains



and penalties on the managers of schools, devised as if they were only using their schools as an instrument for extracting public money, and as if they ought to be suspected and watched at every turn, instead of being treated as generous and noble-minded men, who gave themselves up disinterestedly to the great cause of education. Before sitting down he entreated their Lordships' attention to a pamphlet by Mr. Birks, in which it was clearly demonstrated that the statement in the Report of the Commissioners that a large proportion of the children went away untaught from the schools was founded on a statistical mistake. The right rev. Prelate concluded by moving

"That there be laid before the House,

"Copies of all Memorials and Letters which have been addressed to The Lord President of the Council, or to the Secretary of the Committee of Council on Education, on the Subject of the Revised Code, by the Authorities of any Educational Society, Board, or Committee, or of any Training School :

"Of any Correspondence between the Committee of Council on Education and any of Her Majesty's Inspectors of Schools, or any Managers or Teachers of Schools, on the Subject of the Revised Code :

"Of any Correspondence between the Committee of Council on Education and the Lords of the Treasury, or the Civil Service Commissioners, respecting Candidates for Employment in the Public Service who have been in receipt of Public Payments as Queen's Scholars in Training Schools ; and of Two Circulars addressed by the Committee of Council on Education to Training Schools (Males), dated respectively the 14th Day of April, 1859, and the 23rd Day of November, 1860, on the same Subject : And,

"Of the Correspondence which passed in January, 1861, between Mr. Holland Echersby and the Committee of Council on Education, and in April, 1861, between Mr. John G. Bell and the Committee of Council on Education, relative to their respective Applications for Permission to accept Appointments in the Public Service."

Also,

"Copy of Scheme of Inspection for Diocesan Inspectors of Education in the Diocese of Oxford as transmitted to the Committee of Council on Education."

EARL GRANVILLE said, he was glad to find that the right rev. Prelate had now come round to the view he had expressed the other night as to the great object of night schools. That object, undoubtedly, was to render education as continuous as possible, and to induce children who were withdrawn to labour from the day school to attend the night school. As soon as the Revised Code was passed, it would be the duty of the Government to issue instructions to the Inspectors to hold separate examinations of the scholars at the day

and night schools whenever it was practicable, so as to obviate the objection to a common examination, which the right rev. Prelate had urged. With regard to the evening schools, there must, of course, be some test of efficiency, and it must be admitted that it was impossible to rely on the test with which the right rev. Prelate said he was perfectly satisfied. The right rev. Prelate had alluded to the very large mass of petitions which he had presented on this subject. But there were obvious reasons why persons who had a pecuniary interest, even though it were only for philanthropic objects, should, by the most powerful organization, endeavour to produce an effect upon Parliament. The noble Earl opposite hoped that the Resolutions which were to be proposed in the other House would pass. He hoped that they would not pass, because they were negative propositions, involving the expenditure of more money and less efficiency. But, whether they passed or not, the public required the subject to be considered, and it would be impossible to deal with the question for the future if this golden opportunity were not seized in order to come to some settlement upon it. The right rev. Prelate said he should be able to prove that some of the facts upon which the Commissioners relied were not correct.

THE BISHOP OF OXFORD: Not the facts, but the inferences drawn from Mr. Norris's report.

EARL GRANVILLE said, he was not aware that the Commissioners had drawn their inferences particularly from Mr. Norris's report. With regard to the point in Mr. Norris's report which Mr. Birks attacked, as to the proportion of children who were withdrawn from the schools by their parents before they reached the higher class, he had received a letter from Mr. Norris which, by a singular coincidence, had reached him after it had been moved for in the other House ; and, while Mr. Norris in that letter controverted Mr. Birks as to certain figures, he admitted that there was one point upon which there had been an error in his calculations. But whether 55 per cent or 75 per cent of the children left school without that elementary knowledge which they ought to possess, the case for an alteration in the system was equally strong. It was stated by Mr. Horace Mann that the Post Office authorities were obliged to limit the test for the employment of letter-carriers

to their being able to read one or two addresses, to add up a few figures, and write their own names and addresses, because when more was required it was found that an immense proportion of the candidates were rejected. It also appeared that in a militia regiment wholly composed of young men, out of 63 per cent half could not read at all, and the other half could only read the easiest lessons. Now it appeared by Mr. Arnold's report on Holland that out of 7,000 recruits 6,000 could read, write, and cipher correctly, and it was a disgrace to England that such an enormous number of children should leave school without any adequate knowledge. He would take the opportunity to correct several errors which the right rev. Prelate made on a former occasion. He was rather puzzled at first to ascertain why the right rev. Prelate should be in such haste to anticipate Lord Lyttelton's Resolutions; but when he had heard Lord Lyttelton's speech, it was clear that the right rev. Prelate suspected that the noble Lord, upon a reconsideration of the details, would make admissions most damaging to the case of those who were wholly opposed to the principles and details of the Revised Code. He admitted that it was not easy for any one to master a great many details, but he was surprised to hear the right rev. Prelate say that there was a difficulty in getting the younger classes to attend school, inasmuch as the whole attendance reports showed that the younger classes were those who attended the best, because they were of an age when their parents were glad to have them away from home and comfortably taken care of during the hours of work. The right rev. Prelate stated that £800,000 of the Government money produced £2,000,000 of voluntary contributions. It happened—and by the Report of the Commissioners, which could not be questioned, it was proved—that, instead of £2,000,000, the voluntary contributions were £500,000 for day schools, and £250,000 for building schools and training colleges, or only £750,000 in all. The right rev. Prelate had in some degree explained that discrepancy, because he said to-night that the voluntary efforts were double what was given by the State when they took into account the loss of time and the loss of money. But when the right rev. Prelate gave a specific sum of £2,000,000 as the amount of voluntary contributions,

*Earl Granville*

their Lordships were not likely to suppose that the value of the time given up to schools by clergymen and lay managers had been estimated. The right rev. Prelate also said that no pupil-teacher had left a training college more than four years, and therefore it was unjust to say that the system was a failure. He had never said that it was a failure. On the contrary, the Government had always said it was a great success; but, with the Commissioners, they were of opinion, and he believed it could be proved, that, like all other human institutions, there were defects in it, and those defects were so important that it was well worth while to try to rectify and remedy them. With regard to the particular statement as to the four years, the fact was that pupil-teachers began to leave the training colleges more than nine years ago, so that they had had an experience of more than double the time mentioned by the right rev. Prelate. There was another statement, that during the last 15 years the number of scholars had increased from 500,000 to 2,500,000, and upon that point he could not imagine where the right rev. Prelate got his statistics. There were no figures in existence, as far as he knew, as to the number of scholars 15 years ago. But 10 years ago the number was 2,000,000, and 20 years ago it was 1,200,000, or more than double the number stated by the right rev. Prelate as the number of scholars only 15 years ago. He had no objection to the production of the papers moved for. They had been granted in the other House; but whether it was really for the public interest that the public money should be spent in reprinting very elaborate pamphlets was another question. However, the Government, being attacked, and having no other wish than to give every possible information on the subject, could have no objection to their production. Neither had he any objection to the production of the papers asked for by the right rev. Prelate, which respected the scheme of inspection proposed in his own diocese. He found that the propositions had reference to secular and religious instruction. The requirements under the head of secular instruction were very simple, and analogous to those exacted by the Government under the new Code; but under the head of religious instruction he found that the children were expected to read the Athanasian Creed, which contained many words which must be wholly unintelligible to the children



who, under the rules applicable to secular instruction, could only read monosyllables. With regard to the system of grouping schools, the system of grouping by age was certainly less complicated than any other; but he could not approve the suggestion of the right rev. Prelate to give the higher proportion of the grant to the higher classes in the schools, lessening as the classes descended. It was with the education in those classes that the Royal Commissioners were most concerned, and it was for the lower classes that the greatest encouragement and stimulus were needed. The evil now complained of was that the lower classes did not obtain sufficient attention; and if they were made the less remunerative portion of the schools, they were not likely to be better taught. With regard to Mr. Birks's pamphlet, he was almost ashamed to say that he could not understand a great portion of it. The diagram at the end had puzzled him terribly; he could make nothing of it, and a gentleman of great mathematical acquirements to whom he had submitted it could only describe it as a "parabolic curve."

THE BISHOP OF OXFORD said, if he had been aware that his noble Friend had intended to call on him to justify the figures which he quoted a fortnight ago, he would have come provided with the necessary materials for that purpose. He was quite aware that he had made a mistake with reference to the time the pupil-teacher system had been in operation: he read from the paper before him "1858" instead of "1853," and then calculating from the former date said that it was only four years since the first pupil-teachers left the training colleges; but the argument he used was that the pupil-teacher system had not been tried for a sufficiently long time to enable them to pronounce it a failure, and to justify them in going back to the old system of monitors; and the difference in the number of years did not affect the argument in the slightest degree. With regard to the other figures, he believed them to be exactly correct, and capable of being proved beyond a doubt. With reference to the objection of the noble Earl as to the remuneration for the various classes, it was quite obvious, that if the highest class was the most remunerative, the object of the teacher would be to get his pupils on as fast as possible, so as to fit them to undergo the examination provided for the upper-

class children. As to the night schools, he could only repeat his former objection to lowering the age at which the pupils were to be admitted to them; as he said formerly, the young children being brought into them could only abash the elder members of the school. The noble Earl had said it would be the duty of the Privy Council to lay down rules, but he should be glad to have an explanation of the meaning of the existing clause to which he had called attention, which said the managers should prescribe the group in which the pupils in the night schools should be examined. He would not now attempt to explain the meaning of Mr. Birk's pamphlet on which the noble Lord had attempted to cast ridicule; he was quite sure the noble Earl, when he had looked at it again, would perfectly understand it.

EARL GRANVILLE said, that the object of the Government was not to do away with the system of certificated masters and pupil-teachers, but to maintain the excellent machinery as it now existed. The point they wanted to know was, not what the schools could teach, but what the pupils really were taught, so that they might get at some tangible result.

THE DUKE OF ARGYLL said, that the discrepancy that was pointed out some days ago between the ordinary reports of the School Inspectors and the statement of the Royal Commissioners as to the character of the schools and the acquirements of the scholars had been fully explained. When the reports were examined, it would be found that the inspectors reported the schools as "excellent" or "good," in reference to the attainments of the first-class and not of the ordinary scholars. Now, a schoolmaster, had a right to be judged by reference to the scholars that had been longest with him. The Royal Commissioners had judged by inspections of the second and third class, and they found that almost all the John Tomkinse were incapable of reading intelligently or counting. The right rev. Prelate said this was not what the State required. But, with all respect to the right rev. Prelate, he must maintain the opposite proposition. What the children knew, what they carried from school, was what the State had a right to inquire into. The right rev. Prelate ascribed the deficiency to the irregular attendance of the children. But on this point the evidence of the Royal Commission was emphatic and complete. It was not true

that the attendance was so irregular but that with good teaching the children could be made to read and write fairly, and acquire a fair amount of arithmetic, before they left school. The right rev. Prelate, like many others, appeared entirely to misapprehend the object of the new Code. They had to deal with a class of children who on the average left school before they were twelve years of age. They had to go to employments by which they could earn money for their parents. The problem was to teach these children before they left school such a degree of facility in reading and writing as would enable them when they left it to carry on their own education thereafter. In order to do this they must see whether they were taught a certain amount of elementary knowledge. Surely, the principle that the children should be examined to this extent was one that did not deserve the censure of the right rev. Prelate. He was not, however, saying that the particular scale upon which the examination was proposed to be adopted ought or ought not to be altered. As to the pamphlet that had been referred to, he agreed with his noble Friend the Lord President that it was difficult to understand. But it admitted that, with regard to children under ten years of age, and their deficiency in the elementary points of reading and writing, the complaints of the Inspectors were more unanimous than on any other subject. It admitted that the statement of the Royal Commissioners as to the elementary education was, in the main, correct. Again, in a letter to the *Guardian* newspaper, one of the managers of a national school, while pointing out the disastrous consequences to those schools involved in the new Code, described the results of an examination of children by groups, with the purpose of showing the disastrous effect of the new Code. The specimen given was this:—The writer asked the Inspector to examine his school as it would be examined under the new Code, and the result was this—that of group 2 twenty children presented themselves; of these only six could read, none could write, none could count. Of group 3 fourteen presented themselves; of these only three could read up to the standard, three could write, none could count. Of group 4, out of ten children, none could read, none could write, and only three do counting. This was an instance sent by a manager of a school to show what would

be the effect of the new Code; and it amounted to a distinct confession that, as matters stood, there had been great neglect in the elementary branches of education. These discussions might be very tiresome, but at the same time the subject was of such importance that no opportunity should be lost for elucidating it in every point of view. He was glad that none of the fears expressed at the commencement of these discussions as to the effect of the new rules on religious education were now heard. It was now fully understood that the old system of inspection as regarded religious and moral education, was not done away with by the new Code—the old system would remain, but there was superadded to that system an inspection as to elementary education.

LORD OVERSTONE expressed his hope that the people of England would perceive the value of the principle of examination as a test of the efficiency of a school; and as there were few of their Lordships who had not been in early life in schools where there was such an examination, he appealed with confidence to them upon the matter. His own early history had proved to him the importance of this principle. In the public school where he had been educated an imperfect system of examination prevailed; but he passed thence under the hands of the late Bishop of London, to whom he owed a deep debt of gratitude for having first taught him the full value of examinations, and the necessity of continuing them in every form as the only means of rendering a man's reading really efficient. The people of this country might rest assured that where a school submitted willingly to the test of examination the system of instruction followed there was a sound one; and, on the other hand, they might with certainty come to an opposite conclusion wherever they found an unwillingness or an inability to undergo such a test. He remembered, that being once on a visit to a gentleman who took much interest in the education of the lower orders, and who had established a large school for the education of pauper children, he was asked, in company with another gentleman, to examine the children; and their knowledge was such that he said, "You are giving the lower classes of the people an education which even the higher classes are often unable to obtain." He confessed that he should have been much better pleased if, instead of all the protests and



ingenious arguments by which the new Code was opposed, the school managers had said, "You have made mistakes in your new system; you will find them out as you proceed; but we believe that the children in our schools are efficiently taught, and we shall not therefore object to, we rather welcome an examination of them." This would have been far more satisfactory, and would have inspired him with far greater confidence in a system which was maintained at such great expense to the public, than the course which had been taken by the school managers and their advocates. When it was declared that a large percentage of children on leaving school at present could not read, or write, or go through the ordinary process of ciphering, was it to be supposed that these children could be capable of becoming useful or moral citizens? It was a farce to continue the present vast expenditure, and to keep up the present complicated machinery, if the great majority of the children sent from schools supported by the State were so imperfectly taught. The State had a right to require that these schools should undergo the ordeal of examination, and should show in this way that they were worthy of the support which they received, and that adequate results are obtained for the large expenditure incurred by the State.

LORD WODEHOUSE said, he agreed most cordially with his noble Friend in the principle which he had just laid down. Having listened to various speeches made against the Code, and especially to that of the right rev. Prelate (the Bishop of Oxford), he was lost in astonishment at the opposition raised by the managers to the principle of examination. They were asked simply to admit that which they would enforce in the case of a model farm. The bailiff said to the owner, "You have admirable farm buildings, the farm is admirably stocked, and everything is as it should be." But the reply would be, "Show me a balance-sheet;" and none of their Lordships would be satisfied to be told that the means employed were everything which could be desired. Amateur farmers were, no doubt, obliged to rely a good deal on the authority of their bailiffs; but the Government of the country was not an amateur institution, and when it expended large sums of money in promoting education, it was bound to see that some results were obtained for its expenditure,

and some test was absolutely necessary to ascertain this. On one point he had felt some difficulty—namely, in reconciling the different views of the Inspectors with those of the Commissioners; but the explanation given that evening seemed a satisfactory one—namely, that the one took stock of the knowledge which was to be found in the schools, while the Commissioners took stock of the ignorance; that the one looked to the bright and the other to the dark side. But if the two reports were taken together, it would be seen that a great amount of ignorance existed. The most difficult part of the Revised Code was the system of grouping; but he confessed that the more he had thought upon this question the more convinced he had felt that the best system was that of grouping by age. He thought that the great object was to make the child come to school at as early an age as possible, and go through a regular course of instruction for as long a time as possible. It was well known that there was not much difficulty in getting the children of the labouring classes to school early; and looking to this fact, he thought that they were justified in laying down a system of grouping from the age of seven years upwards to that of twelve. This brought him to the question of night schools. The right rev. Prelate said, that the elder boys would be driven away from the night school by the provision which required that they should undergo an examination, and that in their case such a provision was peculiarly unnecessary, inasmuch as it might be taken for granted, from the mere fact of their attending such a school, that they were disposed to turn their opportunities to the best account. He (Lord Wodehouse) admitted the first part of the right rev. Prelate's proposition, but he did not concur in the second. He believed that such boys would be especially anxious to submit to the test of an examination, and to give proof of the progress they were making. With regard to pupil-teachers, he was of opinion that it would be desirable to allow them, under less restrictions, to be employed in small schools. But even in that way the Revised Code would not reach the poorer schools, and he hoped his noble Friend, the President of the Council, would consider the propriety of still further relaxing the rules in regard to those schools, so that they might receive some amount of the Government aid. He at the same time admitted that great care

would be necessary in making such relaxations. It was urged against the Revised Code that a loss would result to the managers, and it was stated in pamphlets written on the subject that in the country managers would not be able to secure the money they had a right to, and that the effect would be their not acting so generously towards schools as they had hitherto done. It seemed to him that to some extent a remedy would be found for that in making a bargain with the master that a portion of his salary should depend on what the managers should receive from the Government. If he failed to bring children up to the standard, it was reasonable that a large amount of the deduction should fall on him. With regard to the training schools, he was extremely glad that his noble Friend had withdrawn a part of the provisions of the Revised Code as it originally stood. He thought that the training schools stood on a different footing from the ordinary schools, and he was convinced that they could never depend upon a large subscription for them. There was this difference between them and the village schools—that, as regarded the latter, every proprietor felt, or ought to feel, a great interest in the education of the children on his own property, and subscribed accordingly; but when they came to an institution like the training school, which stood in his county town, or perhaps in the neighbouring county town, one could not get him to subscribe his money for such an establishment. He ventured to say, that if managers were questioned on the subject, they would state that there would be a great difficulty in maintaining training schools without Government assistance. Under these circumstances, he did not think it was unreasonable to ask that, while Government possessed large powers in respect to the regulation of those institutions, they should contribute more liberally to them than they did to other schools.

THE BISHOP OF OXFORD in reply said, he thought his noble Friend the President of the Council would do him the justice to say that the point he had always pressed on him was that schools should be allowed to claim the benefit of capitation and other grants if they could stand an examination, and prove that they were first class, whether they had certificated masters or not—that schools in which there were not certificated masters or pupil-teachers should, if they chose to signify to Her Majesty's

*Lord Wodehouse*

Inspector that they wished to be examined and stand a first-class examination, be allowed all the advantages now given to schools with certificated masters and pupil-teachers. In this way they would have clergymen and others trying to bring up schools such as he had referred to till they reached the highest position. There was no dissonance whatever in the views which he had expressed. He looked upon the examination of schools as all-important; but he thought it objectionable that the whole of the grant should be made to depend on the result of a particular examination. In the letters which he held in his hand from school after school the testimony was the same. They all believed, that if the present Code were carried into effect, they would lose the power of having the higher class of teachers. In the multitude of petitions or in the crowd of pamphlets that had been poured forth on the subject of education, he did not know of one which advocated anything but the strictest and most accurate examination of every school.

After a few words from Earl GRANVILLE, which were inaudible,

*Motion agreed to.*

Papers ordered to be laid before the House.

House adjourned at half-past Seven o'clock, till to-morrow a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Thursday, March 20, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Law of Property Amendment.

2<sup>o</sup> Mutiny; Marine Mutiny.

## FLOODS AND DRAINAGE IN IRELAND.

### QUESTION.

MR. HENNESSY said, he rose to ask the Chief Secretary for Ireland, Whether his attention has been called to the effect of the floods over the district from Roscrea to the Shannon, and to the flooding of the tributaries of the Barrow; and whether he proposes to introduce any general Drainage Bill for Ireland this Session?

SIR ROBERT PEEL said, he was not aware that the Government had received any information on the subject to which the hon. Member referred; and as at present advised, he thought the Govern-



ment were not prepared to bring in any general measure relating to drainage for Ireland.

COLONEL DICKSON said, that in consequence of the answer which had been given by the right hon. Baronet, he would on an early day move for leave to bring in a Bill on the subject of drainage in Ireland.

#### ENTRANCE FROM PICCADILLY TO PARK LANE.—QUESTION.

SIR HARRY VERNEY said, he wished to ask the First Commissioner of Works, Whether, in consideration of the inconvenience and danger arising from the narrow entrance from Piccadilly to Park Lane, he will take measures to open the communication from Park Lane into Hamilton Place?

MR. COWPER said, that this communication between Hamilton Place and Park Lane was recommended by a Committee of the House of Commons in 1855. It was fully considered by the Government in 1856, but the difficulties were found to be such that no steps were taken. The difficulties were these:—When Hamilton Place was laid out, in 1809, it was intended to be a street without any thoroughfare, and those who now held from the Crown leases of those houses had taken those leases on the understanding that that arrangement was still to continue. If a communication were to be made from Hamilton Place to Park Lane, it must pass not only through gardens which were now considered a portion of Hyde Park, but likewise through two gardens held on lease in connection with the adjoining houses, which were let on terms that had now forty years to run. Under these circumstances, the Government were not prepared to take any steps. It appeared that these gardens could not be taken without an Act of Parliament, since the trustees were not willing that Hamilton Place should be made a thoroughfare; that Act of Parliament must direct a purchase of the property, and if so, a considerable amount of compensation would probably be awarded. It must be remembered also that Hamilton Place was not of the width required for an important thoroughfare, as the distance between one area railing and another, at one extremity of the street, was not more than thirty-eight feet. He thought the better way to improve the communication would be by widening Park Lane, and he recommended his hon. Friend to turn his

attention rather to the widening of Park Lane than to the extension of Hamilton Place.

#### PROVISIONAL COMMITTEES OF ITALY.

##### QUESTION.

MR. CAVENDISH BENTINCK said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he has received any official account of the meeting of the "Provisional Committees of Italy," held at the Paganini Theatre, at Genoa, on Sunday, the 9th of March, and of the subsequent proceedings of those bodies; and whether he will lay Copies of such Despatches on the table or state their import?

MR. LAYARD said, Her Majesty's Government had received accounts of those meetings, as they received accounts of other incidents of interest or importance which might happen in other countries; but he thought it would be unbecoming in them, and inconsistent with due regard to the dignity of the Italian Government, if they were to lay those papers on the table of the House, as he should think it unbecoming in the Italian Government, and inconsistent with due respect towards the Government of this country, if that Government were to lay before the Italian Parliament any papers connected with public meetings held in the Free Trade Hall, Birmingham, or the Rotunda, Dublin.

MR. BAILLIE COCHRANE said, he wished to inquire, Whether the hon. Gentleman will lay on the table any recent Despatches received from Sir James Hudson?

MR. LAYARD said, he hoped in the course of the Session to lay upon the table some of those papers.

MR. BAILLIE COCHRANE said, a debate was about to come on— [*Cries of Order! order!*]

MR. HENNESSY said, he would beg to ask, whether the hon. Gentleman will lay the papers in his possession upon the table before the debate on Italian affairs was to come on?

MR. LAYARD replied, he was not able to give any promise.

LORD JOHN MANNERS said, as he did not understand from the hon. Gentleman that he would present the papers to the House, he begged leave to ask him, whether by Monday next he would be prepared to give an answer to the question?

MR. LAYARD said, of course they had at the Foreign Office a large number of Despatches from their Minister in Italy, but no address had been moved for papers, and when his hon. Friend opposite (Mr. Cochrane) asked a general question, whether he was prepared to lay papers on Italian affairs on the table, he was not able to give any other answer than that which he had already given.

POOR LAW AMENDMENT (IRELAND)  
BILL.—QUESTION.

MR. GREGORY said, he had been requested by the Poor Law Reform Committee sitting in Dublin to ask the Chief secretary for Ireland, Whether he will give some intimation as to the time when it was intended to go into Committee on the Poor Law Amendment Bill?

SIR ROBERT PEEL said, on Monday.

SIR GEORGE LEWIS said, he did not think it was finally determined what the business for Monday would be, and therefore perhaps the hon Member for Galway would repeat his question. He understood it was intended to bring on the Civil Service Estimates on Monday.

MARKETS AND FAIRS (IRELAND) BILL.  
COMMITTEE.

Order for Committee read.

MR. BAGWELL said, he wished to move that it be an instruction to the Committee to make provision for an equalization of weights and measures in all mercantile transactions in Ireland.

SIR ROBERT PEEL said, he thought it undesirable at that stage of the Bill to raise so large a question, and he would therefore suggest to the hon. Gentleman to withdraw his instruction.

MR. GEORGE said, he thought it would be necessary to agree to these instructions, or otherwise, when the House went into Committee, it might be found that they could not deal with the subject.

COLONEL DUNNE asked, whether it would be possible to discuss the whole question when they came to be in Committee if the instructions were not agreed to?

MR. CARDWELL suggested, that the best course to pursue would be to allow the Markets and Fairs Bill to pass; and then, if it were the wish of the Irish Members, to bring in a Bill afterwards for the regulation of weights and measures generally in Ireland.

MR. SPEAKER expressed his opinion that the Committee would not be able to consider the question raised by the hon. Member for Clonmel (Mr. Bagwell), unless the instruction were agreed to.

Motion agreed to.

Instruction to the Committee, that they have power to make provision therein for extending the equalization of Weights and Measures to all mercantile transactions in Ireland.

House in Committee.

Clause 1, *agreed to*.

Clause 2 (Extent of Act).

MR. LONGFIELD moved the addition of the following words in the commencement of the clause:—

“This Act shall extend to all markets and fairs held in Ireland under charters, letters-patent, custom, or otherwise, but”

Clause, as amended, *agreed to*; as were also Clauses 3 to 8, inclusive.

Clause 9 (Contracts to be made by denominations of Imperial weight otherwise to be void).

MR. LONGFIELD said, he would propose to omit lines 7 and 8, the effect of which would be to extend the provisions of the Bill to all classes of mercantile contracts in Ireland, and not confine them simply to transactions which took place at fairs and markets. His real object was that where articles were sold by weight, whether at market or not, the Act should apply.

LORD NAAS said, he would remind the Committee that if the Amendment were carried, it would affect the sale of commodities all over Ireland. It was most expedient that the experience of similarity of weights and measures should be tried in the first instance at markets and fairs, where the standard weight was more known and understood than in remote districts. A provision which might very usefully be rendered applicable to contracts in the case of fairs or markets, might be found to operate somewhat oppressively if brought to bear upon the validity of transactions taking place between persons outside their pale.

SIR EDWARD GROGAN said, he should support the Amendment, on the ground that if it was fair to establish a uniform system of weights in markets, it was equally fair that the system should be applied to private transactions outside markets.



MR. O'BRIEN said, he thought the clause went far enough in the mean time.

MR. BAGWELL said, it was absolutely necessary, if the Bill was intended to work satisfactorily, that the provision under discussion should be extended as proposed by the hon. and learned Member for Mallow.

COLONEL DICKSON said, he hoped the Amendment would be pressed.

COLONEL DUNNE said, he hoped that every Irish Member would give his assent to the Amendment, because public opinion in Ireland was, he believed, fully prepared for the change.

GENERAL UPTON supported the Amendment.

MR. POLLARD-URQUHART said, he agreed with the noble Lord the Member for Cocker mouth (Lord Naas) that the change effected by the Bill was as much as could be attempted at present by legislation.

MR. WHITESIDE suggested, that in private transactions it should be left optional with the parties to buy and sell by weight or measure as they pleased; but that if they dealt by weight, they should be bound to adopt the weights sanctioned by the Legislature.

MR. H. A. HERBERT said, that from local knowledge and from the tone of the letters he received when holding office in Ireland, he could assure the House that the popular desire was that there should be an assimilation of weights for all purposes.

SIR ROBERT PEEL said, as the measure referred only to fairs and markets, he thought it would be undesirable to extend its provisions beyond the limit proposed. If, however, there was a general wish on the part of the Irish Members to adopt the amendment, he should not object.

*Amendment agreed to.*

SIR EDWARD GROGAN said, he would suggest the addition of the word "sheep" after "carcasses of beef."

LORD NAAS said, he objected to the Amendment, as mutton was generally sold in small quantities.

SIR GEORGE LEWIS said, he did not see why dead sheep should not be sold by weight when dead pigs were.

*Amendment agreed to.*

MR. E. P. BOUVERIE said, he thought it would be a very stringent proceeding to render all contracts by weight void if not made by avoirdupois weight. It was easy to pass an Act declaring that there should

be uniform weights and measures, but it would be exceedingly difficult to get it carried out. Such a law had existed for years in England, but it was disregarded in many districts, it being almost impossible to alter the ordinary habits and dealings of the people. He did not speak of large transactions in markets, but of petty dealings in villages and country districts; and, unless the public mind in Ireland was prepared by much discussion for the change, it would produce great confusion and litigation. He would, therefore, suggest that the propriety of modifying the latter part of the clause should be considered at another stage of the Bill.

MR. HASSARD said, that, in fact, no material change would be effected by the clause. The same weights applied to all articles except butter and wool.

SIR GEORGE LEWIS said, he thought the words were so large that they would include contracts made in jeweller's shops, where articles manufactured from the precious metals, were sold by troy weight. They might even extend to the dealings of the Bank of Ireland in bullion.

MR. LONGFIELD said, to meet that objection he would propose the addition of the words "excepting articles usually sold by troy weight."

Words *inserted*; Clause, as amended, *agreed to.*

Clause 10 (Mode of Weighing; Deductions prohibited).

MR. LONGFIELD said he wished to move that the words, "Markets and Fairs" be omitted throughout the clause. That was a verbal Amendment consequential upon the amendments made in the previous clause. His object was to extend the operation of the clause to dealings elsewhere besides in markets and fairs.

SIR ROBERT PEEL asked, whether it was intended by the Amendment to apply to all weighings in shops?

MR. LONGFIELD replied in the affirmative.

SIR GEORGE LEWIS said, he thought it would be necessary to introduce some words to show that the weighing was for sale, or it would apply to the weighing necessary in a gentleman's kitchen.

MR. WHITESIDE said, he would suggest the addition of the words "every article sold by weight."

*Amendment agreed to.*

SIR FRANCIS GOLDSMID said, he would suggest that the words "at a public weighing-house or place" should be

omitted, so that the words should run, "every article sold by weight."

MR. LONGFIELD said, he was willing to accept this Amendment.

Amendment agreed to.

MR. LONGFIELD said, he would then move to omit from line 31 the words "without any" and to insert the words "and no."

MR. HENNESSY said, he objected to the Amendment, as, coupled with another Amendment to be subsequently proposed, it would revive the exploded system of penalties for deduction. The Cork butter-market was now the most flourishing market in Ireland, and it dated its prosperity from the time when the old restrictions were abolished. He hoped those restrictions would not be revived.

MR. LONGFIELD said, that the Bill would be inoperative without this Amendment, and another in line 34. He wanted to provide, by these Amendments, that no deductions should be claimed or made by any purchaser for beamage or on any pretext whatever, under a penalty of £5. He had, however, no objection to diminish the penalty, and say "not exceeding £5."

LORD NAAS said, he thought that the penalty would operate very hardly, especially as the Act made every contract void which broke the law. He thought it dangerous to impose a penalty for an act which might be committed through ignorance.

LORD JOHN BROWNE said that he was of opinion that the only way of compelling justice to be done to the poor farmers was, that of imposing a penalty in certain cases. He thought that few persons would remain in ignorance of the Act long after it was passed.

SIR ROBERT PEEL said, he should be willing to accede to what appeared to be the general wish of the Committee and accept the Amendment.

COLONEL DUNNE said, that in Cork market, some years ago, there were more frauds committed than he could enumerate. The trade of that market had been improved, no doubt; still he was in favour of imposing a penalty in every case where a fraud should be committed.

MR. BEAMISH said, that the Select Committee to whom this Bill had been referred had not thought it necessary to insert a penalty, and he hoped the right hon. Baronet the Secretary for Ireland would not consent to any alteration being made in the clause.

SIR GEORGE GREY said, that as it

seemed to be the wish of the Committee that these deductions should be prohibited, the penalty was the only way of effecting that object.

MR. HENNESSY contended, that the alteration proposed to be made in this clause would operate to the great injury of Cork butter market, which was now one of the most flourishing in the world.

MR. GEORGE said, he approved of the Amendment, it being in his opinion a most admirable one, and it would, no doubt, give great satisfaction to the farmers of Ireland. The clause would be wholly inoperative without a penalty in cases of improper deductions.

LORD JOHN BROWNE said, he hoped that the Home Secretary would, at the same time tell the Committee whether, if such a law existed in England, without the penalty, it was not inoperative.

SIR GEORGE GREY said, he could not answer the question; but he could assure the Committee that the clause would be inoperative without the penalty.

Amendment agreed to; Clause, as amended, ordered to stand part of the Bill.

Clause 11, agreed to.

Clause 12 (Compulsory weighing at Public weigh-house of Corn and other commodities in Schedule A).

COLONEL DUNNE said, he wished to call attention to a petition from the inhabitants of Mountmellick, Queen's County, objecting to the provision that the articles to be weighed on market days should be brought to the public scales as impracticable. It was probable that on a market day there would not be the means of weighing at the public scales the quantity of corn sold in that town.

MR. HASSARD said, he wished to move the omission of certain words which would have the effect of making it optional to the buyer or seller to have an article weighed in the public market. A Resolution had been passed by the Dublin Chamber of Commerce to the effect that compulsory weighing was a matter of very questionable propriety, and would not only operate as shackles on trade, but would be often tortured into an instrument of fraud.

MAJOR KNOX said, he objected to the Amendment. The buyers of flax had frequently been brought up for having heavy weights in their stores with which the flax bought by them was weighed, the effect being that the seller lost a certain amount of his flax. He therefore considered that the compulsory part of the clause was of great importance.



SIR HUGH CAIRNS said, he hoped the Committee would not consent to the Amendment, as, unless the weighing were compulsory, the enactment would be nugatory. However, the clause as it stood would strike completely at that large and very beneficial class of sales which were effected by sample. It would also injuriously affect sales of flax, because though the article would have to be overhauled and tossed about in the market, and a considerable part of a winter's day would be thus consumed, the buyer would have no security that the flax which might be brought to his store was the same as he had purchased. The matter had occupied the attention of the flax-buyers in Ireland. They did not desire to be exempt from any proper regulation, and they proposed two alternatives; one was that flax should be made an exception from these particular clauses of the Bill; and the other, and probably the better, was that, inasmuch as all the merchants who bought flax bought it to a large extent, those merchants should have in their own stores proper sets of weights, and that authorized officers should attend at the stores to weigh the goods and collect the tolls.

MR. BLAKE declared, that unless the clause was compulsory, the Bill would be utterly valueless; and the Amendment, if carried, would strike at the entire root of the Bill.

LORD DUNKELLIN said, he should support the Amendment. He could not admit that as a rule the buyer was in the habit of dealing harshly with the seller. Though such might be the result of the experience of hon. Gentlemen from the North, it was not the practice throughout the rest of Ireland.

SIR ROBERT PEEL said, that the Amendment struck at one of the principal features of the measure. He had always been under the impression that the adoption of a provision for compulsory weighing in markets had been agreed to as a compromise to settle the question. The Commissioners had visited thirty counties, and had found that they were all unanimous in favour both of compulsory weighing and of equality as between buyer and seller. In Limerick, which had one of the most important markets in Ireland, the frauds that prevailed had been so great that the town actually petitioned for an Act to introduce a compulsory system—an example which

had been followed by Cork, Belfast, and Londonderry. He should, therefore, like to see the same system universally in use. He felt that there was a good deal of justice in the observations of the hon. and learned Member for Belfast relative to sales by sample, but he did not concur in what had been suggested in reference to the sales of flax. For his own part, he could not see the necessity for having special machinery for weighing in the stores of the flax-buyer.

MR. GREGORY said, he was glad to hear that the right hon. Baronet intended to persevere with the clause, which he considered the most essential portion of the Bill. He was continually met by complaints on the part of country folks of the use of irregular weights and measures by private traders.

LORD NAAS said, he could but admit that such frauds were practised, and that it was desirable to put an end to them; but he was, at the same time, afraid that it would be found impossible to enforce the provision that everything should be weighed in public market.

MR. DUNLOP said, he had received strong representations on the part of his constituents, many of whom were large purchasers of flax in Ireland, against the clause, unless it were accompanied by some such limitation as that which had been proposed.

MR. LONGFIELD said, he would urge upon the Government to persevere with the principle of compulsory weighing.

MR. H. A. HERBERT said, that if the clause were expunged, the efficiency of the Bill would be in a great measure destroyed. Great frauds were committed in Ireland in consequence of the want of such a system as was proposed. A Commission reported a few years ago, that when proper market accommodation was once provided, all agricultural produce should be both sold and weighed in the public market under the superintendence of a sworn weighing master.

MR. GEORGE said, he could not agree with the Amendment proposed by the hon. Gentleman behind him. He was afraid, however, that if the sales by sample were interfered with it would create much discontent.

COLONEL LESLIE remarked, that compulsory weighing prevailed to a large extent in England.

SIR GEORGE GREY said, there could be no doubt that the clause under discus-

sion affected sales by sample, and his right hon. Friend the Chief Secretary would be prepared to consider that matter on the Report.

MR. E. P. BOUVERIE said, he hoped that the question of flax would be considered. Such a clause as that under consideration would produce great confusion among the buyers and sellers of flax, and interfere with the natural current of trade as between them. It was proposed to make it penal to carry on such transactions above a certain amount in the weighing-house, and the ticket of the weigher was to be conclusive of the weight, and then by Clause 16, a penalty was to be inflicted if the buyer or seller refused to be bound by that weight. There was no security that the article delivered at the store-house would be identical in weight and quality with the flax or corn bought and weighed in the market.

MR. VANCE said, he would suggest that the articles brought into the market should be alone weighed, and that any contract dependent thereon should take effect without the public weighing of the bulk.

MR. RICHARDSON said, he approved of the principle of uniformity of weights and measures, but it was quite impossible to have the article of flax weighed in the public scale. The farmer never would be able to get paid on the same day, seeing that flax alone in many cases would occupy nearly all day to weigh. He also objected to any clause which prevented the farmer from protecting himself by re-weighing the article.

MR. GREGORY suggested, that the clause should be postponed, and brought up again on the Report, with Amendments.

MR. HASSARD said, that as the general feeling of the Committee was against his Amendment, he would withdraw it, though his opinion of its policy was unchanged.

Amendment, by leave, *withdrawn*.

SIR HUGH CAIRNS said, he thought that the difficulty with regard to samples might be cured by inserting the words "and delivered" after "sold," so as to make the Act apply only to articles sold and delivered in the market.

SIR ROBERT PEEL said, that on the bringing up of the Report he would insert a clause to exempt flax. With respect to the samples, he would consider the suggestion of the hon. Member who had brought that point under consideration.

*Sir George Grey*

Clause *agreed to*; as was also Clause 13. Clause 14 (Penalty).

LORD JOHN BROWNE proposed to increase the penalties for fraud by weighers by rendering the offender incapable of holding office in future.

SIR ROBERT PEEL said, he doubted the expediency of the Amendment.

LORD JOHN BROWNE said, he would withdraw it.

Clause *agreed to*.

Clauses 15 to 37 inclusive, *agreed to*.

Clause 38 (Local Public Inquiry thereon).

LORD NAAS said, he wished to draw the attention of the right hon. Baronet to the extent of the powers of inquiry conferred by this and the 77th clause upon the Lord Lieutenant. By those clauses the Lord Lieutenant had power to depute to any person or persons he desired to appoint as Commissioners to inquire whether the existing market accommodation at a particular place was sufficient; whether new markets should be established, and where; and they would also have to settle market days, and to make inquiries of a very extensive nature, many of which would require that counsel should be heard. He (Lord Naas) was of opinion that some one person of experience and legal knowledge should be appointed for the purpose. A salary of £1,000 or £1,200 a year would obtain the services of such a Commissioner; whereas, if there were numerous local inquiries, the expense would be endless and the costs great. As the expenses were to be defrayed out of the Consolidated Fund, there was no difficulty now as to the funds, but he believed that his suggestion, if adopted, would tend towards economy.

SIR ROBERT PEEL said, the Government had not desired to increase officials, but rather to leave local enterprise great liberty to regulate its own affairs. But on a new system, no doubt, a competent person would be required; and therefore he thought that, for a time at least, some person of standing should be at the disposal of the Lord Lieutenant. With the consent of the Chancellor of the Exchequer he had determined, if it met with the approval of the Committee, to take power to nominate persons to conduct any inquiries which might be necessary, and to draw on the Treasury to the amount of £500 a year, for five years, in order to meet the expenses. He thought an officer with a salary of £1,200 a year un-



necessary, and he hoped the Committee would accept his proposal as a fair compromise.

MR. MAGUIRE said, he believed that a Bill to lessen the number of official persons in Ireland would be a great boon to the country, and that at the end of the five years it would be difficult to root out a gentleman with £500 a year. A lease of five years would be a lease for life, with the probability of a claim for compensation. In his opinion the proposal savoured of a job.

SIR ROBERT PEEL said, that, as no doubt he should be in the House at the end of the five years, he would take very good care that the gentleman should be rooted out. It was important to employ persons free from the influence of local prejudices.

MR. BEAMISH said, he would assent to the proposal, though he should strongly object to a permanent office.

MR. HASSARD said, he thought it absolutely necessary that the inquiries should be conducted by one person, so as to avoid conflicting decisions.

LORD NAAS asked, whether all the inquiries would be intrusted to one individual?

SIR ROBERT PEEL said, not unless the local authorities desire his presence. They would, otherwise, be empowered to make the inquiries themselves.

LORD NAAS said, that that being the case, he could hardly accept the proposition. He did not think it would work well unless there was uniformity of decision.

MR. MAGUIRE said, he thought that the clause had better remain as it stood.

LORD NAAS said, he desired to know by whom the expenses would be borne?

MR. CARDWELL said, that in a former Bill extensive powers were intrusted to commissioners, whereas by this Bill they were given to the Lord Lieutenant in Council. In England the promoters of Bills with respect to fairs and markets paid all expenses, and he had thought that it was only reasonable that the different localities in Ireland should bear the expenses of Orders in Council. His right hon. Friend, however, had persuaded the Chancellor of the Exchequer to allow £500 a year for five years for the expenses of carrying the Act into effect, and he understood that the money would be expended in addition to the provision made by the undertakers. It would be desirable

that many inquiries should go on simultaneously, that all fairs and markets in Ireland might be the more speedily brought within the operation of the Act.

SIR GEORGE LEWIS remarked, that the matter might be safely left to the decision of the Government.

MR. H. A. HERBERT suggested, that the precedent of the Savings Banks Act should be followed. Under it power was given to appoint a barrister to settle disputes. Mr. Tidd Pratt, having been appointed, went down to various parts of the country and arranged all matters under the Act; and in the same manner one barrister could transact the duties under the Bill.

MR. GREGORY said, he agreed with his noble Friend opposite. He thought that as various intricate questions would arise under the Bill, it was desirable to have, in the first instance, a person of considerable authority and weight to decide them, so as to prevent any conflict of decisions. He, however, preferred the proposal of the right hon. Baronet (Sir Robert Peel) as it only involved a temporary arrangement.

LORD NAAS said, he would suggest an Amendment to the effect that instead of appointing the commissioner for five years, he should be appointed for whatever term the Government might hereafter direct.

MR. HASSARD observed, that there ought to be power under the Bill to appoint at least three commissioners.

LORD JOHN BROWNE said, there was an advantage in having only one commissioner, as his decisions would be uniform.

SIR ROBERT PEEL said, that the object of the Government was to appoint only one individual; but it might be necessary to have more in the event of demands for decisions coming from different parts of the country at the same time.

Clause *agreed to*; as were also Clauses 39 to 54, inclusive.

Clause 55 (Order in Council).

MR. HASSARD asked, whether the tolls were to be paid on the entry of the articles into the market?

LORD JOHN BROWNE said, that the reply must affect seriously the cattle jobbers—a useful class, who went from one fair to another. The sellers should not be asked to pay tolls if they did not part with their goods.

SIR GEORGE GREY said, that the question could be more suitably raised in the schedule.

Clause *agreed to*; as were also Clauses 56 to 68 inclusive.

Clause 69 (Petition of Local Authorities or Ratepayers).

MR. HASSARD said, he proposed to insert words to the effect that where it was proposed to establish a new market in the vicinity of or within a mile of another market, notice should be given to the owner or lessee, or to the party in receipt of the tolls thereof, at least one month before such application should be considered.

Words *inserted*.

Clause *agreed to*.

Clauses 70 to 76, inclusive were *agreed to*.

Clause 77 (Expenses of Execution of Act).

MR. GREGORY said, he wished to add a proviso to the clause, to the effect that the Lord Lieutenant in council should appoint an inspector for five years, at a salary of £500 per annum, to conduct any inquiries into the state of the markets and fairs, and the requirements of the public in relation thereto.

SIR ROBERT PEEL said, the Government did not wish to be bound to give any stated sum for any stated period, but to be left entirely free, and the effect of the proviso would be to create a permanent office for at least five years.

LORD NAAS said, his proposition was to appoint only one inspector, but it was evidently the intention of the Government to appoint a variety of inspectors, and it would be better for the Committee to decide the question at once.

SIR ROBERT PEEL said, he could assure the noble Lord that it was not the intention of the Government to appoint a variety of persons.

SIR GEORGE GREY said, the Vote for £500 a year would be in the Estimates, and any hon. Member might oppose the grant.

MR. LONGFIELD said, he thought the intention of the Government was clear. Circumstances might arise to make it necessary for them to appoint more than one inspector at the same time; for instance, one might be required for the north and another for the south of Ireland. He thought the Government ought not to be bound to any stated course of action.

MR. H. A. HERBERT said, he was of opinion that some words ought to be inserted to restrict the operation of the Clause.

*Sir George Grey*

MR. HASSARD said, he would suggest that a proviso to the effect, that all inquiries under the Act should be carried on by the same person, as far as practicable, would meet the views of all parties.

Amendment proposed,

To add at the end of the Clause the words "Provided all inquiries under this Act shall be conducted by the same person, as far as practicable."

MR. GREGORY said, he would accept that Amendment in lieu of his own.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 38; Noes 47: Majority 9.

Clause *agreed to*.

Remaining Clauses *agreed to*.

MR. BLAKE said, that in certain towns the weigh-masters were entitled to receive one halfpenny per hundredweight for discharging their duties; and if they were allowed to make that claim under the new Act, they would obtain the lion's share. In towns so circumstanced no application would be made for the adoption of the Act, and he would propose, therefore, that the salaries of such persons should not exceed what they had been in receipt of on an average for the preceding five years. He proposed to insert a provision after Clause 20, enabling the owners or persons entitled to the tolls to discharge from or retain such weigh-masters in office on the terms indicated by him.

SIR ROBERT PEEL said, he must oppose the proposition.

MR. BLAKE urged the right hon. Baronet to assent to the proposal.

SIR ROBERT PEEL said, he would promise, on bringing up the Report, to introduce a clause on the subject.

Clause *negatived*.

MR. BLAKE said he would then propose, after Clause 23, to introduce the following clause:—

"From and after the passing of this Act the appointment of weigh master of butter and taster of butter, under the Act of the fifty-second year of George III., cap. 134, shall be invested in and made by the mayor, alderman, and councillors of the boroughs and towns corporate in Ireland, instead of the mayor and aldermen only of such borough or town corporate, as is by the said Act prescribed."

MR. CARDWELL said he must oppose the clause, as being quite inconsistent with the earlier part of the Bill.



Mr. HASSARD said, no such office as that of taster of butter was contemplated by the Bill.

Clause *negatived*.

Schedules *agreed to*.

House *resumed*.

Bill *reported*; as amended, to be considered on *Thursday* next, and to be *printed*. [Bill 52.]

# COPYRIGHT (WORKS OF ART) BILL. COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Copyright in Paintings, Drawings, and Photographs).

THE SOLICITOR GENERAL stated that he had prepared some amendments with the view of giving effect to suggestions made by hon. Members on former occasions.

Mr. CAVENDISH BENTINCK said, he wished to ask for some explanations with respect to the copyright in the copy of a picture, which it was proposed to give by the Bill. He would admit that the Bill was an improvement on that of last year. He should, however, be glad to know whether the term "painting" in the bill applied to original pictures only, or included a copy, so as to give copyright in a copy whilst there was no copyright in the original. He was also anxious to know whether his hon. and learned Friend (the Solicitor General) was prepared with a clause providing for registration at Stationers' Hall, or some place else, in order that title in respect to copyright might be ascertained.

Mr. WHITE said, he wished to direct the attention of the hon. and learned Solicitor General to the necessity of providing, by some clause, that publishers of prints should put their names and the date of publication on those prints. For the last ten years publishers had been much in the habit of publishing engravings without any name or date.

THE SOLICITOR GENERAL said it was intended to include in the Bill copies of original paintings, because any man knew that copies might be made under circumstances that would render the copying of those copies as injurious to the owner as if they were original works. In the case of a fresco, for example, it might become necessary to take a copy for the purpose of preserving the subject, and nothing could be more unjust than that a

person making such a copy should be deprived of his work. The principle on which the law gave a copyright in engravings would seem to apply to all such copies. But by the clause dealing with that matter no injustice would be done to any one, for that clause preserved the right of persons to make their own copies. There might be copies which ought to be protected, and no harm could be done to the public when the right to make copies from the originals would remain. As to the question of registration, it had occurred to him that that subject might be brought forward, and he had prepared two clauses providing for a registration of the written title to copyright. These he would bring up at the proper time. As to the point referred to by the hon. Member for Brighton, they all knew that a practice existed among engravers of selling what were called "proofs before letters," which were without any name. He believed that every person who did that exposed himself to a great danger of losing his copyright. That case was provided for under an existing Act.

Mr. HENLEY said, he thought that the observations of his hon. Friend (Mr. Bentinck) had hardly been answered. He would put the case of an artist selling a picture, and retaining no copyright in that picture. If the artist afterwards made a duplicate original, how would matters stand? They all knew that those things were often reproduced in that way, and it was difficult to determine between copies and duplicate originals. How was the second picture to stand? Was there to be a copyright in it, or not? He wished the hon. and learned Gentleman would let all the questions under this Bill be decided by a court of record.

THE SOLICITOR GENERAL said, he would consider before the bringing up of the report whether words should not be inserted to the effect that an original work being sold without copyright, no subsequent copy or repetition of the same work should be entitled to copyright.

SIR MATTHEW RIDLEY said, he was glad that a system of registration was to be established. Such a system was absolutely necessary for the security of property.

Mr. HARVEY LEWIS said, he thought that it would be dangerous at present to include photographs in a Bill of the kind. Photography was not a fine art, but a mechanical process. At some future

period it might be expedient to give protection to photographers.

THE SOLICITOR GENERAL observed, that although, strictly and technically speaking, a photograph was not in one sense to be treated as a work of fine art, yet very considerable expense was frequently incurred in obtaining good photographs. Persons had gone to foreign countries—to the Crimea, Syria, and Egypt—for the purpose of obtaining a valuable series of photographs, and had thus entailed upon themselves a large expenditure of time, labour, and money. Was it just that the moment they returned home other persons should be allowed, by obtaining negatives from their positives, to enrich themselves at their expense? He could not consent to exclude photographs from the Bill.

MR. HENNESSY suggested, that at all events photographic portraits should be excluded. A visit to the Holy Land was not necessary for taking the portrait of the hon. and learned Gentleman, and yet it would be hard to prevent the public from obtaining a copy of his likeness.

Clause *agreed to*; as were also Clauses 2 to 4.

Clause 5 (Penalties on fraudulent Productions and Sales).

MR. HENLEY said, he wished to inquire what was meant by the words "every offender shall forfeit to every person aggrieved." Was it the man who painted, or who purchased the picture, or both?

THE SOLICITOR GENERAL said, the words in practice sufficiently explained themselves. The person aggrieved would be the artist whose name was fraudulently used, or the person on whom the fabricated work was fraudulently palmed off, or it might be both.

Clause *agreed to*.

Clause 6 (Recovery of Pecuniary Penalties).

MR. HENLEY said, he would then ask the hon. and learned Gentleman whether he would consent to strike out those clauses giving summary jurisdiction to magistrates? It was hardly fair to throw upon them the decision of questions which were to be determined not by reference to any Act of Parliament, but simply upon opinions given that a particular thing was painted by a particular person. Matters of that nature ought to go before a court of record, which would be protected in case it came to a wrong decision. In-

Mr. Harvey Lewis

quiring into such questions as whether a man was still living, or had lived within the last twenty years, must necessarily occupy a great deal of time, and be very embarrassing to a tribunal pressed with other business. The jurisdiction, moreover, was to be determined by the residence of the offender; and if the magistrate made a mistake as to his residence, he was a wrongdoer from the beginning. Nothing was more difficult than to fix a man's residence, especially men of the class who would be likely to commit these offences. The hon. Member for Cirencester was once questioned with regard to his residence, and replied that he resided sometimes at one place and sometimes at another, being a Lord of the Treasury. He was then asked where he slept, and he replied that he usually slept most in the House of Commons. The proper jurisdiction of justices was to keep the peace, and had nothing to do with the settlement of disputes between artists and photographers, which were often carried on with the greatest bitterness. If a short and sharp way of settling differences were requisite, why not send the cases to the County Courts?

THE SOLICITOR GENERAL said, the clause to which the right hon. Gentleman objected was taken, he believed, in substance, if not in form, from two Acts *in pari materia*, which had not been found productive in practice of any of the inconveniences anticipated from this measure. Strong representations had been made to him, that if cases such as the Bill was intended to meet were driven into the Court of Chancery or the courts of common law, the value of the remedy would be destroyed. He believed it would be quite without precedent to give such power as was suggested to the County Courts, which had no criminal jurisdiction.

MR. HENLEY said, he did not think the other Acts to which the hon. and learned Gentleman referred could be said to be *in pari materia*. There was comparatively little difficulty in turning over page after page of books and seeing whether they contained the same words, while nobody but an artist could undertake to say that one picture was an imitation of another. The penalty inflicted, moreover, was not strictly a penalty, inasmuch as it did not go to the Queen or to the country, but to the person aggrieved. It was, therefore, more in the nature of damages.

MR. CONINGHAM suggested, that the



clause should be made to extend to the case of engravings.

MR. BENTINCK hoped the hon. Gentleman would give way on the question of referring decisions in matters of art to the justices. At all events, it ought to be made optional.

THE SOLICITOR GENERAL said, he could not see why the same remedies which were applicable to copyright in books and designs should not be applied to copyright in pictures. He saw no objection to extending the penalties to breach of copyright in engravings.

MR. HENLEY said, he thought the proceeding prescribed in the clause a most anomalous one. He moved the omission of the word "either."

Amendment proposed, in page 5, line 38, to leave out the word "either."

Question put, "That the word 'either' stand part of the Clause."

The Committee divided:—Ayes 29 ; Noes 21 : Majority 8.

Clause ordered to stand part of the Bill. Remaining Clauses agreed to.

House resumed.

Bill reported ; as amended, to be considered on Thursday next, and to be printed. [Bill 53.]

House adjourned at Twelve o'clock.

## HOUSE OF LORDS,

Friday, March 21, 1862.

MINUTES.]—PUBLIC BILLS.—3<sup>a</sup> Writs of Habeas Corpus into Her Majesty's Possessions Abroad; Officers' Commissions ; Consolidated Fund (£18,000,000).

Their Lordships met ; and having gone through the business on the paper without debate,

House adjourned at a quarter past Five o'clock, to Monday next, a quarter before Four o'clock.

## HOUSE OF COMMONS,

Friday, March 21, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Education (Scotland) ; Police and Improvement (Scotland). 2<sup>o</sup> Inclosure.

## THE PHENIX PARK, DUBLIN.

### QUESTION.

SIR EDWARD GROGAN said, he rose to ask the Chief Secretary for Ireland, If any and what steps have been taken, or are intended to be taken, by the Government, for carrying into effect the prayer of the Memorial presented to the Lord Lieutenant on the 10th May, 1861, relative to the planting of ornamental and other trees and shrubs, and the making of walks and pleasure-grounds, in the Phoenix Park, Dublin, as has been done in Kensington Gardens and in the Victoria and Battersea Parks ?

SIR ROBERT PEEL in reply said, that that subject had been under the consideration of the Irish Government, and they had given their sanction to a plan for the improvement of Phoenix Park, by planting it with ornamental and other trees ; but the question was still under the consideration of the Treasury.

## COMMISSION OF INQUIRY INTO MINES.

### QUESTION.

MR. INGHAM said, he would beg to ask the Secretary of State for the Home Department, If he will lay upon the table of the House a copy of the Commission recently issued to inquire as to certain classes of Mines ?

SIR GEORGE GREY said, that Commission did not at all refer to collieries, iron-stone mines, or mines which were now the subject of inspection. He had no objection to lay a copy on the table if the hon. Gentleman would move for it.

### SUPPLY.

Order for Committee (Supply) read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

## COLONIAL FORTIFICATIONS.

### RESOLUTION.

MR. BAXTER said, that it would be in the recollection of the House, that rather more than a fortnight previously his hon. Friend, the Member for Taunton (Mr. A. Mills) called their attention to the Report of the Select Committee which sat last year on the subject of Colonial Military Expenditure, and on that occasion his hon. Friend moved a Resolution that the colonies should provide for their own inter-

nal order and security. Quite concurring with that Resolution, but thinking it did not go far enough, inasmuch as it embraced only one of the three principal points which had been insisted upon both in the Report of that Committee and in the evidence taken before it, he (Mr. Baxter) placed on the notice paper an addition to the Resolution, to the effect that the colonies should not only provide for their own internal order and security, but should also assist in their external defence, and that for the future there should be no charge upon the Imperial Treasury for fortifications, unless in the case of great fortresses. The House unanimously adopted the Resolution of his hon. Friend, and the first part of the addition which he (Mr. Baxter) proposed to it; but in regard to the second part of that addition his hon. Friend, the Under Secretary of State for the Colonies stated that it was unnecessary and needless, because neither the existing nor any other Government would multiply those fortifications, which he agreed with him (Mr. Baxter) in condemning. That statement was quite satisfactory, and the second part of the addition was, therefore, not moved. Only three days after the Resolution was passed, however, the right hon. Gentleman the Secretary of State for War, who, no doubt, had not had as much time as the hon. Under Secretary to look into the question, came down to that House, and in moving the Fortification Vote in Committee insisted that the Government had expressed their dissent from the second part of his (Mr. Baxter's) Resolution; and therefore that he was quite consistent in proposing in Committee Votes, not only for the current expenditure and repairs of those fortifications, but also for new works. The policy thus indicated in the speech of the right hon. Gentleman made it incumbent on him (Mr. Baxter) to bring the question again before the House, and to invite a distinct expression of the opinion of that House, which might remove all misapprehension on the subject. Now, the Report of the important Committee, and the evidence taken before it, on colonial military expenditure, enabled him to submit a Resolution which, if not couched in the very words, certainly expressed the opinions of very distinguished members of Her Majesty's Government, who had had more leisure to investigate the subject than the right hon. Gentleman the Secretary for War. The views embodied in the Resolution he was about to propose were the views not

*Mr. Baxter*

only of humble Members of the House, who, like himself, believed that in the event of war they must trust to their naval supremacy for defending their distant colonies, and who also desired to see some of their colonies more self-reliant than they were, but they were also the views expressed, and very ably advocated, before the Select Committee by the late lamented Lord Herbert, Earl Grey, to some extent by the Duke of Newcastle, very strongly and forcibly by the Chancellor of the Exchequer, and by the Right Hon. Robert Lowe. That being so, it would be necessary for him, with a view to prove his case, to read a few extracts to the House from the evidence given by those right hon. Gentlemen. The two last paragraphs of the Report of the Select Committee which sat to consider the question of colonial military expenditure were to the following effect: First—

“That the multiplication of fortified places, and the erection of fortifications in distant colonial possessions, such as Mauritius, on a scale requiring for their defence a far greater number of men than could be spared for them in the event of war, involve a useless expenditure, and fail to provide an efficient protection for places the defence of which mainly depends on superiority at sea.”

Second—

“That the tendency of modern warfare is to strike blows at the heart of a hostile Power, and that it is therefore desirable to concentrate the troops required for the defence of the United Kingdom as much as possible, and to trust mainly to naval supremacy for securing against foreign aggression the distant dependencies of the Empire.”

Any hon. Gentleman who took an interest in the subject, by referring to the terms of his Resolution, would find that the first part of it was expressed in the very language of the Report of the Committee, and his object was to get that House to confirm recommendations which were passed unanimously by that Committee. He was firmly convinced, that until the House took a decided stand, and gave a decided expression of opinion, there would be no adequate guarantee against expenditure of that kind. If hon. Gentlemen would look back to the Army Estimates for the last few years, they would find a vote of money, which varied in amount, but which was always to be found, not only for the repair of fortifications in the colonies, but also for carrying on forts that had recently been erected there, and for new defences at places which every witness who appeared before the Committee told them they would never venture to garrison, for that it would



be a positive source of danger to attempt to do so in time of war. The Chancellor of the Exchequer told the Committee—and the words struck him (Mr. Baxter) forcibly at the time—that what he was afraid of was, not any grand or comprehensive scheme of fortifications, for that would alarm the House of Commons and the country, but he was afraid of minute demands insidiously made to the House of Commons. That was what was going on at the present moment, and it was that which it was the object of his Resolution to guard against and prevent for the future. That very year they had already voted £43,000 for fortifications of that kind, and that was quite exclusive of the expenditure at Malta and Gibraltar, which he did not for a moment complain of—and they were distinctly told in the Army Estimates that a further sum would be required, for that the works in progress would have to be completed. Doubtless, by-and-by, they would be told that those works required to be greatly extended and enlarged, and that was the way in which the “insidious” process went on. They were asked every year to vote a small sum, which very soon ran up to a large sum. Almost every witness who appeared before the Committee, except Sir John Burgoyne, gave it as his opinion that those fortifications were of no manner of use. Mr. Elliot, the Assistant Under Secretary of State for the Colonies, in his memorandum, which was laid before the House, told them that the Government offices were full of schemes of colonial fortifications on a grand scale; and Earl Grey made this very just observation, he (Mr. Baxter) thought, before the Committee, that of late years the House of Commons had shown such a lavish disposition in regard to public expenditure that really he did not know to what a length of extravagance they might be induced to go in spending money upon colonial fortifications. He wished to give the House a few examples of the sort of expenditure of which he complained. One of the most important witnesses examined before the Committee was the late lamented Lord Herbert, who had thoroughly studied the question, and who favoured the Committee with most admirable and distinct evidence. Lord Herbert was asked by the chairman (Question No. 3,559)—

“It has been stated by some witnesses that in the Bahamas we have spent since the general peace two millions of money, and that we have never kept up a force there sufficient to resist

the crews of two frigates; do you approve of that expenditure of money?”

To which Lord Herbert replied—

“All I can say is, that if I were asked to do it, I should not do it.”

Mr. Under Secretary Elliot was asked—

“It is stated in your memorandum that it was proposed to expend £85,000 on the works at New Providence, in the Bahamas?”

His answer was, “It was.” With regard to Bermuda, it was impossible to ascertain the full amount of the enormous expenditure incurred in times past; but let the House consider what was in store for it. Sir John Burgoyne was asked—

“I presume we have not come to the end of our expenses with respect to the fortifications of Bermuda?”

He answered, “Oh dear, no.” He was then asked by the hon. Member for Coventry (Mr. Ellice)—

“Has there been any Report with respect to the further fortifications which may be necessary for Bermuda?—We have full Reports now, but we have to make out the estimates before we come to a decision as to what part of the Report we shall adopt.”

“But in any view of the case, the expense of those fortifications will be very considerable?—It will be, I dare say, £200,000 or £300,000.”

So much for the Bahamas and Bermuda. He would next ask the attention of the House to the case of the Mauritius. It would be altogether out of place and presumptuous for him to offer any remarks with regard to the works at Mauritius, or to say whether the money which had been spent there had been thrown away or not. But he should summon before the House witnesses whose opinions hon. Members would, no doubt, consider of value. Thus, the Duke of Newcastle said to the Committee—

“I am not in favour of a very extensive system of fortifications for the Mauritius. The Mauritius must in the long run depend upon the fleet; and although I think it important that we should have a certain amount of fortification to enable the troops we maintain there to hold their position until relieved by a fleet, still I should be sorry to see fortifications carried too far, because I should look upon them then rather as a source of danger than as a protection to the colony.”

Earl Grey told them that—

“To spend money upon the Mauritius so as to be able to defend it against an enemy superior to us upon the sea, seems to me a great waste of money.”

The third witness was the Chancellor of the Exchequer, to whom this question was put by the Chairman of the Committee—

“We have evidence before us from Sir John Burgoyne, the chief authority among engineers,

that even the money we have already expended upon the Mauritius would be by no means sufficient to complete the defences of the island, but a much larger sum is, in his opinion, necessary. Would you be of opinion that it would be wise to continue this system of fortifying a possession like the island of Mauritius, at a great expense to the taxpayers of this country?"—"No; I should say the proper mode of defending the Mauritius is by our fleet, and that the mere fortifying it to prevent the landing of an enemy, if that be the idea referred to, is an idea that ought not to be entertained."

The case of the Ionian Islands was one which did not, perhaps, come so distinctly within the scope of his (Mr. Baxter's) Resolution. But he would give to the House the evidence of the Chancellor of the Exchequer as to the enormous expenditure there. The right hon. Gentleman stated to the Committee—

"With regard to the question of Corfu, there, and there alone, we have extensive fortifications, of a class that are termed defensible; but although they are termed defensible, I am extremely sceptical as to the question whether they can be defended."

Again, he added—

"With respect to the fortifications of Corfu, I confess it appears to me, without presuming to give an authoritative opinion, that there must be the greatest difficulties arising out of the possession of these fortifications, in the event of a war."

What he maintained was, that for the defences of our distant possessions they must trust to our naval supremacy. As long as that supremacy was upheld, these fortifications were of no use. The House ought not to forget that the introduction of steam power had given them great advantages in time of war. Indeed, it had entirely changed the state of things on which the system of which he now complained was based. In former times it was impossible for them to defend their distant possessions without something of the kind, but now the facilities of locomotion were so great, and the means of communication so rapid, that they had no occasion to scatter their army all over the world to garrison those forts. So far from the garrisoning of the forts being an advantage to us, it was a source of danger and disadvantage to us in time of war. What did Admiral Erskine say on that point before the Committee? The Chairman put this question to Admiral Erskine—

"Earl Grey, who has given evidence before this Committee, said, 'The experience we have had of the past seems to me to lead to the conclusion that almost the whole of the money we have spent upon colonial fortifications has been so much absolutely wasted; and that with respect to many of those fortifications erected at great expense,

the wisest thing we could now do would be blow them up again.' Do you agree in that opinion?"

Admiral Erskine's reply was—

"I think that many of our colonial fortifications might be destroyed with great advantage."

Lord Herbert took precisely the same view of the question. If that convincing and overwhelming testimony were not sufficient, he did not know what the House would require before it passed the first part of the Resolution which he had to submit. The second part of the Resolution was couched in the very words made use of before the Committee by Lord Herbert. That noble Lord was asked—

"What is your general opinion as to the expenditure upon such fortifications as are necessary in colonies; is that a charge properly falling upon the British Treasury?—I am against them altogether. You allude to such as the Bahamas."

"I exclude simply Imperial fortresses, and refer to such fortifications as are necessary in harbours, or at seats of government of colonies, properly so called?"

Lord Herbert's reply to that question was:—"I should say that the expense is not properly chargeable upon the Imperial Exchequer." Those were the very words of the second part of the Resolution. Exclusive of Halifax, or any other part of the self-governing colonies which might be considered necessary as great naval stations, it would be found that they had gone on continually voting sums of money for fortifications in Canada, Newfoundland, Jamaica, Cape of Good Hope, and other colonies which ought to pay their own expenses. He contended that it was the bounden duty of the House to step in and pass such a Resolution as that which he proposed, which should assert that the expense of these things should be borne by the colonial treasury. Nor could these colonies come to the House and say there were none which took a better part than themselves. The little colony of British Guiana paid for its own defences, and its former governor, Mr. Woodhouse, said they had lately expended large sums of money. New South Wales not only paid every shilling required for its fortification and for barracks, but it had provided artillery. The Colony of Victoria, also, besides paying for its necessary fortifications, had gone to great expense for ordnance. These were the reasons which induced him to ask the House to affirm the Resolution which he had to propose. He was sure that no one who had looked into the subject would be of opinion that the Resolution would have the remotest ten-



dency to alienate the affections of the colonies from the mother country. He believed that the Resolution, if acted on, would, while lightening the weight of the British Estimates, enable this country to concentrate its strength, and thereby aid the colonies in time of war. A perseverance in the policy enunciated in his Resolution would also encourage among the different members of the colonial empire that spirit of self-reliance which must always constitute their best strength and prove their truest bulwark. The hon. Member concluded by moving an Amendment—

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the multiplication of fortified places in distant Possessions involves a useless expenditure; and that the cost of erecting and maintaining Fortifications at places not being great Naval Stations, in self-governed Colonies, is not a proper charge on the Imperial Treasury,"—instead thereof.

MR. CHILDERS said, he rose to second the Resolution. The first part of it was word for word a repetition of a passage in the Report of the Select Committee, whilst the second was taken from the language of the late Lord Herbert; and the only objection which he conceived could be raised was that it was unnecessary, as in point of fact no Ministry would carry out any different policy from that pointed out in the Motion. He would, however, venture to say a few words in its support in a colonial point of view. Speaking especially of the colonies referred to in the second part of the Resolution, he would remind the House that it was not dealing with colonies governed as they used to be; and though it would be well for the War Office and Colonial Office to lay down such principles as were embodied in the Resolution, yet it would be far more satisfactory to the colonies having a free form of government, if the adoption of those principles were the act of the British House of Commons. The adoption of that course would be most likely to attain the end which this country had in view, and he would upon that ground strongly urge the House to adopt the Resolution. In the case of some of the less wealthy and thinly-populated colonies, no doubt the paucity of the means at their disposal rendered it expedient that the proposal should be gradually applied; but there was, it was very clear, a disposition among them to act on the principle which had been pointed out, if the path in that direction were only distinctly laid down.

Amendment proposed.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CAVE said, the points mooted in the hon. Member for Montrose's speech appeared to be of a twofold nature—the distribution of the expenditure for necessary works, and the formation of works which, in his opinion, were unnecessary. These were clear and distinct issues. The first appeared to be the same as that lately raised by the hon. Member for Taunton, and would lead to a renewal of the debate which took place on that occasion. He would avoid as much as possible ground already trodden. There was an important consideration, which was too much lost sight of—namely, the fund from which colonial contributions were to be derived. The House knew that in young and thinly-peopled countries direct taxation to any great degree was impossible, and that the larger portion of the revenue must be raised by import duties. Now, complaints had lately been made of the high import duties levied in Canada, which were detrimental, it was said, to our manufacturing interests. But it was argued in Canada, that if the mother country insisted upon larger contributions from Canada towards her military expenses, she could no longer object to those duties from which the funds must come; nor, indeed, to differential duties, or the introduction of favoured nation clauses into their Customs Acts—thus pointing to a disability incurred by the connection with the mother country which was often much felt in the colonies. He confessed to regarding with much distaste the habit, which seemed periodical in this country, of looking too closely into the money cost of our dependencies. Without going into the general advantages of colonies, or what he thought Lord Overstone called the actual money value of the reputation of power given by extended empire, he would set against this cost the trade, which was far greater per head with our colonies than it would be if they were independent, and far less liable to interruption. The instance of the United States proved both these propositions. He would point to the effect of that trade, especially of late years, in raising the value of property and the rate of wages in the mother country, and thus contributing in a great degree to her marvellous prosperity. To pass to the second point of the hon. Member's speech. With regard to the Ionian Islands and the Bahamas, he was disposed to concur with him. In the latter

case he thought that Bermuda and Jamaica, if sufficiently fortified, would be sufficient for those seas; but on the subject of Jamaica, he might say he remembered several years ago going over a formidable battery in Port Royal, and being much surprised at being told by the artillery officer who was his guide that he would rather stand before than behind it when fired, because the platform was so rotten. He mentioned that as a reason for his concurrence in the position that we wasted large amounts of money by dribblets in keeping many of our fortifications in a normal state of inefficiency, and that it would be better not to spend any at all than to do it in that manner. That, however, was not quite what the hon. Member intended. With regard to Mauritius, he did not think that a place of greater importance to this country for Imperial purposes could be mentioned. It seemed to him at least of equal value with Gibraltar and Malta, as being on the direct track of our Indian trade. So great a thorn in our side was it during the Revolutionary war that, as stated by Sir John Burgoyne to the Committee, English property to the value of £7,000,000 sterling was captured and carried in there by French cruisers. The Marquess Wellesley, who was constantly urging the absolute necessity of its capture, estimated the loss at £3,000,000 as early as 1798. The Baron Dupin wrote—

“The Isle of France was to the French what the Cape was to the Dutch—a military and naval station of the greatest possible importance. These two stations formed the military chain of the great Indian navigation.”

Let it not be supposed that the inhabitants of Mauritius would contribute to their fortifications. They did not want them. They were French in language, habits, and sentiments, and would not regard with any dissatisfaction the return to their old allegiance; and when they saw the Emperor straining every nerve, going even to the verge of European war, to supply the neighbouring Island of Bourbon with labour, they might possibly think a change of masters would not be disadvantageous in a material point of view. It was well to speak out upon these matters when so suicidal a policy was advocated as intrusting the defences of Mauritius to its French inhabitants. It was said that such a fortification as now existed would be powerless, and unable to resist attack, and that the extended works recommended by the Engineers Commission would be too costly. In that last

position he entirely agreed, but it should be remembered that in 1810, with far weaker defences, the Isle of France, as it was then called, kept at bay for some time General Abercromby with 10,000 men and a fleet (including transports) of seventy sail. The Committee, however, said that the tactics of war were changed, and that the enemy would now strike at the heart, and neglect the extremities. There was no surer road to disaster than to commence a war with preconceived notions on these points; besides, if the enemy could not strike at the heart, he would rather attack the extremities than do nothing. In one point, however, there had been a great change since Admiral Suffren cut up our Indian trade from Mauritius. He meant that which had converted our men-of-war into steamers. Formerly vessels could keep at sea as long as their provisions lasted, but now a frequent supply of coal was necessary for the efficiency of our fleet; and, as it was suggested by one of the witnesses before the Committee, it would be cheaper to abandon our stations and retake them at the close of the war. Let the House suppose an engagement in those seas, which left each fleet pretty equally disabled, would not the ships which could creep into a place like Mauritius to coal and refit have a great advantage over those which were obliged to depend upon their own resources? It seemed to him that the command of the sea and the possession of fortresses were concurrent advantages, and that the Committee were hardly right in supposing that one superseded the other. But Earl Grey's opinion had been relied upon, and no man had ustly greater weight. He would read his reason for slighting the importance of Mauritius, and he commended it to those hon. Members who would rest on the Conference of Paris of 1856. Earl Grey said—

“The point is now conceded that the neutral flag shall protect all the property it covers; and the consequence of that is, that the moment war breaks out, the flags of the belligerent Powers will be almost abolished from the sea, and all trade will be carried on under neutral flags. We cannot expect to have, as in old times, enormous convoys of British merchantmen sailing at an immense expense under the protection of powerful fleets, when the same cargoes may be brought in Bremen or other neutral ships at peace charges. We must be prepared, when another war takes place, to see the whole commerce of the country carried on under a neutral flag, and therefore it is not of the same importance as formerly to take places which may be retreats of privateers and hold them against an enemy.”

*Mr. Cave*



That was intelligible and consistent. When our ships and commerce had disappeared, by all means abandon our naval stations. It would matter little how soon our colonies set up for themselves or joined themselves to a foreign country, which, perhaps, would not be long after they became dependent for their communications on foreign ships. But was the House prepared to adopt that policy? Was it prepared to see the empire which had for so many years been the envy of the world "ending like a shepherd's tale"? We might be sure that such policy, though it might not, perhaps, when understood, be popular in this country, would certainly not want friends abroad—

"Hoc Ithacus velit, et magni mercentur Atreidæ."

He could have wished that Her Majesty's Government had met the Motion with the Previous Question. We had already had a debate upon colonial military expenditure. That was inevitable after the Committee of last Session. It was generally considered that this was practically little more than a lecture to the colonies on self-defence, because the Resolutions could only be carried out with extreme deliberation, and with the greatest tact and circumspection. There was no harm in that; quite the reverse. But he feared that the reiteration of the subject would do harm in our distant possessions, where every word said about them in that House was discussed with great anxiety, and sometimes, perhaps, invested with undue importance. Therefore feeling, as he did, that the loss of a single rock on which the flag of England floated would rouse even the Peace Party to arms, and endanger the existence of any Ministry which caused it by pursuing the policy recommended by the hon. Member, and fearing that the adoption of the Resolution might be interpreted as a sign of weakness by the remote dependencies to which it referred, he should, if the hon. Member divided the House, unhesitatingly record his vote against him.

CAPTAIN JERVIS said, he was induced to take part in the debate by the fact that the Resolution recently submitted to the House by the hon. Member for Taunton (Mr. A. Mills) on the subject of the military defence of the colonies had been used in the discussion of the Army Estimates to coerce the Government in the matter of colonial fortifications in a manner which he was sure was never intended by many hon. Gentlemen. The hon. Member

for Montrose (Mr. Baxter) had brought forward an abstract Resolution, but he had explained it in a sense very different from that in which nine-tenths of hon. Members would have understood it. The hon. Member objected to money being spent upon fortifications in any places but those which might be regarded as great naval stations, and, in order to prove his point, he had quoted the cases of Bermuda, the Mauritius, and Corfu. Why, every one of those places was a great naval Station of the utmost importance. Bermuda was of use as a great naval station for the coast of America; while the Mauritius was the only station for our men-of-war and merchantmen between the Cape and India. The case of the fortifications in the Ionian Islands was misunderstood. Far from expending money in these islands in the erection of fortifications, we had incurred a large expenditure in throwing down the fortifications which existed there when we assumed the protectorate. The magnificent fortifications first erected by the Venetians in Corfu and afterwards strengthened by the French requiring between 15,000 and 20,000 men to man them, we had thrown down at vast cost, and in their stead we had erected only a very small line of works which could be defended by a small force. He mentioned these instances to show, that if they agreed to such a Resolution without the most careful examination, they might place themselves in a very false position. The hon. Member for Montrose had said that we had spent about £2,000,000 at the Bahamas. Hon. Members, if they would study the blue-books as he had done, would look in vain for any proof of that expenditure. At one time it was proposed to erect a work at New Providence, but that work had not only not been carried out, but he believed it was never intended to be carried out. With respect to the nature of the fortifications at the Mauritius, he regarded Sir John Burgoyne as a better authority than Earl Grey, whose evidence was entirely based on the Declaration of Paris. He agreed with the hon. Member for Montrose that large colonial fortifications should be as few as possible, and should be erected only in carefully-selected positions; but all such matters must be left to the discretion of the Government for the time being. Colonial ports were continually changing in point of importance. Not long ago it was the fashion to ask why we

should keep Quebec, or even Kingston. We had recently found the importance of retaining those places in our own hands. So with the Mauritius. Thirty years ago the Mauritius was not an important station, but since the introduction of steam it had become a sort of half-way house between Aden and Australia; and, consequently, a place of great importance. He hoped the House would not agree to an abstract Resolution, which, if adopted, might seriously interfere with its free action at some future time.

SIR GEORGE LEWIS: Sir, the question of fortifications in our colonies is part of the more general question of the military defence of the colonies. It is impossible to disassociate the one altogether from the other. The military defence of our colonies has already been the subject of a debate, and I think the House came to the conclusion that it should be regarded partly as a colonial and partly as a military question. Therefore, before we can form an opinion upon the Resolution of the hon. Member for Montrose, it is necessary that we should make up our minds, in the first place, as to the view we ought to take with respect to the military defence of the colonies, and how far we think it desirable that the Imperial Treasury and the Imperial army should assist in defending the colonies against their external enemies. When we have made up our minds upon that question, we have next to consider how far it would be expedient to make colonial fortifications a part of colonial defence. With regard to the view which the House may be inclined to take of the more general subject of the defence of our colonies, much depends upon the opinion which it may form of the general relations in which the colonies, according to the most recent views, stand to the mother country. There are at present in the world two great nations which act upon the principle of subjecting to their rule as large a portion of the surface of the globe as it is possible for them to govern. Those two countries are Great Britain and the United States of America. There were in former times two other nations which made an attempt to establish, if not a universal monarchy, at all events a monarchy on a very wide scale. Those two countries were Spain and France. They have now abandoned the project of governing any large portion of the surface of the world, and for the most part their dominions are confined to the

territories which are directly subject to their centres. But England and the United States have attempted, each of them, to govern a very large portion of the surface of the earth. The way in which the United States have made the attempt has been by aggregating all their territories under one Federal Government—having State Governments charged with the principal management of State affairs, and a Federal Government intrusted with the care of a limited portion of the common interests. We know that the United States, until the recent secession, included a very large part of North America, and according to what is known as the “Munro doctrine,” it was the policy of a large number of the politicians of the United States gradually to extend their limits to the South, and to include practically the whole of South America ultimately within the dominions of the United States. The effect of that would be to make Washington the centre of American Government, and to unite all the countries of America in one great confederation, composed of semi-independent States. England has adopted a different course. The territories which have been annexed to the British Crown have not been incorporated with our central Government. They do not send representatives to the House of Commons; and when we create a new colony, we do not cause any disturbance in the Imperial representation. In that respect we differ essentially from the United States, which, when they create or annex a new State, always disturb the relative proportions of the members of their Senate and Congress, and this again disturbs the constitution of their central Government. We have followed a different course. As each colony or colonial possession is annexed to the Crown we place it under a local Legislature, and we do not incorporate it into the Imperial Government. With great variety in the constitutions of these local Governments, we have secured, by paying due regard to colonial independence, and by introducing into colonies with a considerable English population the principle of responsible Government, such relations between the colonies and the mother country as enable us to administer their affairs as far as we could administer them, with contentment and tranquillity. It is a matter assumed in this country, and held as not requiring any demonstration, that the mother country derives great benefits from the possession of colonies.



I merely assume that as an axiom which an Executive Government is bound to adopt. The Executive Government is bound to take things as they exist, and to adopt all measures which may be expedient or necessary to maintain the integrity of these territorial possessions. But then, on the other hand, the colonies ask themselves, "What benefit do we derive from our connection with the mother country?" And I think the answer to that question must be this—that the mother country, being the stronger and wealthier community, protects them against their external enemies by her army and navy. This is the great advantage which our colonies derive from their connection with the mother country; and if that advantage were withdrawn, unquestionably the desire of the colonies to remain in their present relation to the mother country would be materially diminished. Well, if that be correct with regard not only to the smaller colonies, which are manifestly dependent, but, as must be admitted by all who observe what is passing around them, equally with regard to the larger colonies of English race enjoying responsible Government, it behoves us to be cautious how we lay down any general formulas affecting the discretion of the Executive Government with regard to the military defence of the colonies. Well, my hon. Friend says we ought not to incur any expense for the fortification of distant colonies, inasmuch as they are defended by the fleet; but every one must see that as in time of war it is of the greatest importance to the country that the Channel fleet should be powerful, and that our own shores should be protected against any dangers of invasion, it is impossible for us to lay down abstractedly any principle which would make it necessary for us to scatter our fleet over the whole world, and to defend each of our colonies by a separate squadron. I do not mean to dispute, as a general rule, my hon. Friend's principle, that our distant and scattered colonies must mainly depend on naval defence, but it is impossible to do more than assent in general terms to such a general proposition. To lay it down in inflexible terms, and to say that we are in no case to resort to fortification with regard to distant possessions, seems to me to be an incautious and unwise declaration on the part of this House.

Well, Sir, there is another view that may be taken of fortifications in the colo-

nies, which is, that if it be necessary to defend our colonies in time of peace and in time of war, and therefore to send detachments of troops to them, great hazard would be incurred by small detachments if they were entirely undefended by fortifications or batteries; and, on the other hand, it might be inexpedient or dangerous to strengthen those detachments and to send out additional troops in consequence of the undefended state of the frontiers they were called on to garrison and defend. It seems, therefore, to me that, looking to the great diversity of the circumstances of our colonies, the number of the naval and military stations they contain, the complicated relations of this country with other nations, and the variety of hostilities in which we may possibly be involved, it becomes almost impracticable to lay down any general formula on the subject which it would be the duty of the Executive to observe; and therefore I would only say that, in general terms, I concur entirely in the view taken by my hon. Friend, that it is not expedient for this country to erect new fortifications in colonies where they do not exist, or to enlarge fortifications that do at present exist, or even to incur any great expense in maintaining those already constructed. But I can easily conceive that circumstances might arise in which it would be a prudent and economical expenditure, with a view to guard against a probable danger, or a danger that might be calculated on, to incur expense to fortify some particular colonies. Take Halifax, for instance. I can conceive that circumstances might arise in which it would be a prudent and economical expenditure to strengthen the fortifications of our colonies, and I will instance the case of Halifax. There is a great difficulty in construing an intricate Resolution of this kind, and I confess I object to such general formulas as to which doubt arises afterwards, and questions are raised with regard to the good faith of the Government that adopts them. But the main argument on which I rely for not assenting to this Resolution is, that the House has, in fact, the question completely in its power with respect to the Votes upon the annual Army Estimates. My hon. Friend says that the House is not, in fact, free to Vote on these questions, because it is told that a Vote this year is a continuation of a Vote of a former year, and it is necessary to continue or complete a work that had been begun. That argument would avail

against my hon. Friend's Resolution, because it would be said that this Resolution was not intended to apply to works then in progress. The question, in fact, is with regard to the commencement of new works of fortification in the colonies, and the House has a complete control over that matter by refusing to agree to any Vote proposed in the Army Estimates. Now, with respect to the question of the Mauritius, I will only say that Sir John Burgoyne, before the Committee, to which my hon. Friend adverted, mentioned his having himself prepared, but not his having obtained the consent of the Government to an extensive plan for enlarging the fortifications of the Island. He had done so on the supposition that he should be called on as an engineer to propose a complete plan for the fortification of Mauritius; but I do not believe that he ever recommended it except as a scheme which an engineer would propose; and certainly it is not the fact that that plan was ever adopted by the Executive Government. I myself proposed in the Army Estimates a sum of £15,000 for completing the work that had been begun in the port of St. Louis in the Mauritius, and stated it was not my intention to ask for any Vote in addition to that sum; and I think any hon. Gentleman who examines the plans will see that it would not be possible to make a more moderate demand than was made by the Government. Having gone through the different cases adduced by my hon. Friend and stated the views which seem to be expedient to be followed by the Government in dealing with this question, and having shown that so far from any wish being entertained by the present Government to adopt any extensive system of colonial fortification, their views are diametrically opposed to any such system; but that, nevertheless, it is extremely difficult, looking to the question of the military defences of our colonies, to define exactly in formulas of this kind the precise circumstances in which it may be desirable either to fortify colonies or abstain from fortification, I trust he will be satisfied with the assurance I have given him, and not think it necessary to press the House to a formal Vote on the subject.

Mr. ADDERLEY said, he confessed that he was unable to coincide with all the observations of the right hon. Gentleman, and especially with that in which he had alluded to the United States and to

England as similarly acquisitive nations. The difference in the mode adopted by the two countries in the defence of their increase of territory was an argument in favour of the Motion before the House. The United States managed to defend their extended territories without throwing the expense on the original, or on any particular portion of their country, whereas England undertook the defence of her colonies all over the world, and accumulated the expense, both of men and money, upon the central island. The Resolution of the hon. Member did not raise the mere question of colonial defence, for he first sought to take the sense of the House upon the wisdom of multiplying our distant possessions; and, secondly, he raised the question of the expediency of maintaining the defences of self-governed colonies. He could not agree with the hon. Member for Shoreham (Mr. Caye) who seemed to be in favour of fortifying barren rocks in all parts of the world. If it were true that the loss of any one of those rocks on which the English flag waved would produce so much commotion in England, surely it would be most impolitic to extend the number of those rocks. The hon. and gallant Member for Harwich (Captain Jervis) said that Port Lewis presented a capital port for the protection and supply of ships sailing between England and India; but the erection of larger fortifications would not render it a better place for ships to run into. If in war any nation sought to impede our use of it for that purpose, we could always enforce it. Another hon. Gentleman had observed that sums had been freely voted for the purpose of strengthening the Ionian Islands, but that we did not direct its expenditure. But he would ask whether it would not have been better not to have voted it at all. The hon. and gallant Member for Harwich, however, had explained that the money had been spent in pulling down fortifications. He trusted that statement would be a warning against further outlays upon such works. It was really a serious question whether this country could effectually fortify places like the Mauritius. The authority of Sir John Burgoyne on that point was conclusive in favour of the view of the hon. Member for Montrose. Sir John Burgoyne showed that it would require an enormous expenditure to render the fortifications the Mauritius efficient, and that they must fortify not only Port Louis, but

*Sir George Lewis*



the whole island, and that then we should have to garrison it with 6,000 men. Nothing that we could possibly do would give so much satisfaction to an enemy as that we should carry out those extensive works in the Mauritius, and lock up a garrison of 6,000 men in them, and multiply that folly so as to dissipate the strength of our army throughout our Colonial Empire. Some time ago, when the French were about to garrison St. Pierre and other islands at the mouth of the St. Lawrence, the attention of that House was called to the subject by an hon. Member. On that occasion a sagacious person remarked that the wisest course would be to take no notice whatever of the matter, but to let the French go on and make that deduction from their military strength, and the larger the garrisons they so locked up in remote parts of the world the better for us. It was well known that the First Napoleon confessed that he suffered great mischief from such a system, large garrisons which he kept in the Ionian Islands being rendered wholly useless to him, when much needed, by a single British ship of war. No doubt it was right, for Imperial objects, to maintain such great naval stations as Bermuda and Halifax; but if we went beyond that, we should not only waste the resources of the mother country, but expose the colonies to the greatest possible risk. Of what use were the fortifications and garrison of Quebec when we were recently threatened with war? They were not enough in themselves, and they had only prevented the colonists from arming themselves. It had been stated by an important witness before the Select Committee that for every soldier that England sent out she had prevented 100 Canadians from arming themselves. The result was that when danger lately came the colonists were wholly unprepared; and their only chance of safety consisted in the succours despatched from this country, which, but for the remarkable mildness of the season, and the fact that our troops were not wanted for other duty, it might not have been in our power to send out. He saw that the hon. Member for Launceston (Mr. Haliburton) dissented from that observation; and we could hardly anticipate much thanks from Canada for the effort that we did make. He had told us that the threatened war was no affair of theirs, though one would have thought an insult to the British flag affected their interests quite as much as ours at home.

The Secretary of State for War spoke of the possibility of the colonies not wishing to remain connected with this country if we did not bear the burden and expense of defending them. If that were so, what would be the value of such a connection? For his part, he believed that the attachment of the colonies to the mother country rested on a much stronger basis than the right hon. Gentleman's argument would imply. He was glad that the hon. Member had called attention to the recommendation of the Commission; and if he proceeded to a division, he (Mr. Adderley) should divide with him. It was no use wasting money upon stations like St. Helena, Mauritius, and similar places; and with respect to stations like Quebec, it would be much better to let colonists come forward more generally to aid in their own defence. In times of peace they should garrison themselves; and in times war we should always be ready to help them.

LORD HARRY VANE said, he rose to express a hope that his hon. Friend would be induced to withdraw his Resolution. The right hon. Secretary for War had, as he understood, assented substantially to its general principle. The right hon. Gentleman had given them a philosophical treatise on the system of acquiring territory adopted by America and by England. The truth was, they followed no settled plan in regard to the erection of fortifications in our various colonies. The right hon. Baronet had stated that it was not the intention of the Government to propose a grant of additional sums for erecting fresh fortifications, or making a larger expenditure than that now in existence. He (Lord Harry Vane) was very glad to hear that promise made, for it seemed to be extremely doubtful whether the fortifications of the Mauritius was desirable. He agreed with the right hon. Baronet that it was impossible to lay down any abstract rule to be invariably pursued with respect to the defence of our colonial possessions, but in the event of war they must defend their possessions against any enemy.

MR. HALIBURTON said, he would not attempt to go over the ground which had been so fully trodden by the right hon. Gentleman the Secretary of State for War, in the opinions so well expressed by whom he quite concurred. Indeed, he should not have trespassed upon the patience of the House had he not felt

it necessary to make a few observations in reference to what had fallen from the right hon. Member for North Staffordshire (Mr. Adderley). That right hon. Gentleman seemed to address certain portions of his observations to himself personally, and with some warmth. He (Mr. Haliburton) would not follow the bad example set him elsewhere by losing his temper, but would reply to the right hon. Gentleman with the greatest possible good humour. He should always listen to the right hon. Gentleman with pleasure whenever he talked about anything of which he knew something. The remarks which he had made respecting the Canadians were inopportune and misapplied, especially when he said that we were not likely to get many thanks from them. That observation might as well have been omitted. Nothing in the conduct of the Canadians had merited such a remark, the utterance of which if reported in the Canadian newspapers was likely to do England more harm than the absence of fortifications. These general Resolutions ought not to be introduced, because they could not apply to all cases, and therefore the best way was to judge the case of each colony by itself. The Resolution before the House was—

“That the multiplication of fortified places in distant possessions involves a useless expenditure, and that the cost of maintaining fortifications at places not being great naval stations, in self-governed colonies, is not a proper charge on the Imperial Treasury.”

The hon. Gentleman who moved the Resolution had once, he believed, made a trip across the Atlantic, and had ever since taken as a hobby the subject of Atlantic steam navigation, but he did not know whether the hon. Gentleman had ever been at Quebec. At that city there were fortifications, but it was not a naval port; and if this Resolution were carried, no further appropriation could be made for those fortifications, although they commanded the River St. Lawrence, and there was no naval station within 2,000 miles of Quebec. The real meaning of the Resolution appeared to be, that where fortifications were not required it was very useless to make them, and the House ought to feel indebted to the hon. Member for Montrose for having so admirably and perspicuously elucidated that principle. If that was the meaning of the Resolution, he could vote for it; but at the same time he must protest against these continued attacks upon our colonies

*Mr Haliburton*

and colonists. As far as the North American colonies were concerned, he could state that they had never asked for any fortifications; but the repetition of Motions like this gave them the appearance of being akin to the daughter of the horseleech, continually crying, “Give, give.” Such things must cause pain in the colonies, and were not at all calculated to do any good. If war ever occurred with the United States—the only Power which could invade Canada—it would be a war not of Canada’s seeking. Those colonies were on good terms and upon intimate relations with the States, who would only attack them in case of a war with England, as being an assailable point of British territory, and to destroy the property of loyal British subjects.

MR. ADDERLEY explained, that he had quoted the hon. Gentleman’s own words when he said that no thanks were due to the country for sending troops to Canada.

MR. HALIBURTON was understood to deny ever having used those words.

MR. A. MILLS said, that the Resolution was nearly identical with one arrived at by a Select Committee of the House of Commons, and founded upon the evidence of the late Lord Herbert and other distinguished men. As the hon. Member (Mr. Baxter) had, however, succeeded in eliciting a distinct disclaimer from the Secretary at War of the intention of the Government to lay out large sums of money upon these fortifications, he (Mr. A. Mills) thought that the object of the Resolution was sufficiently attained, and he would therefore advise the hon. Member to withdraw his Motion.

SIR GEORGE GREY said, he could not concur with the hon. Member (Mr. A. Mills) that the Resolution was nearly identical with that of the Committee to which he had referred. There were, in fact, very essential points of difference between them.

Amendment, by leave, *withdrawn*.

#### CAPTAINS ON THE RETIRED LIST.

ADDRESS MOVED.

SIR JOHN HAY said, he rose to ask the Secretary to the Admiralty whether it was intended to continue to withhold from the Captains on the Reserved List the pay to which they were entitled under the Order in Council of 1851, and to move for an Address to Her Majesty to take into con-



sideration the case of those officers. The question turned on the legal construction of an Order in Council, by which certain officers of Her Majesty's navy had consented to accept a position which, according to the strict terms of the order, would have been a boon to them. A breach of faith had, however, been committed by the Board of Admiralty towards them, by which the position accepted by those officers had become to them a serious detriment instead of a boon. The facts were these:—In 1851 the right hon. Gentleman the Member for Portsmouth (Sir Francis Baring), then First Lord of the Admiralty, found himself in a difficulty how to give promotion to a number of deserving officers whose advanced years rendered it impossible that they could be as efficient in the higher ranks as was to be desired. There were then a variety of retired lists, all in inextricable confusion. These officers objected to being made to retire, because they all felt that they had some work left in them, and each man preferred to stand on his own merits. In consequence of that the right hon. Baronet the Member for Portsmouth drew up a reserve list, and these fifty captains were persuaded to go on it as a sort of post of honour. They were told that, according to the terms of the document put before them, with the exception of active employment, they were to receive the same benefits, promotion, and rewards as their brethren of the active list. The House was probably aware that when a captain on the active list rising gradually had arrived within 170 of the top, he received an increase of pay to the amount of 2s. per day, but when Captain Gordon, who was put at the top of this reserved list, arrived within 170 of the top of the active list, he applied for the increase of 2s. per day, but it was refused to him. That occurred in 1859, and all the others who had applied since at the Admiralty had been in like manner refused. They contended that they had a legal right, and they had obtained an opinion from an eminent Queen's Counsel (Mr. Lush), that if the bargain had been one between private parties, they could have enforced it in a court of law; but, of course, they had no such remedy against the Admiralty. The claim of those officers was also supported by opinions which had been expressed by Lord Chelmsford and Sir John Pakington in favour of the construction put on the arrangement by them. The

right hon. Member for Portsmouth (Sir Francis Baring) had also stated that in drawing up the order it was not his intention that it should bear the construction which those officers put upon it. That, however, did not affect the legal meaning of it—it only showed that the right hon. Gentleman had made a mistake in drawing up the order, and it was hardly fair that those Gentlemen, who had been cajoled into accepting the offer, should be the sufferers by the mistake. By an Order in Council, captains who had been ten years on the list of captains, and had not been employed, if they had passed the age of fifty-five years, had the option of accepting, in place of all further promotion, the sum of 18s. a day, and he had no doubt that a great number of these officers would be glad to accept the benefit of this order, which they contended ought to be common to them with their brethren of the Active List. He had calculated that the charge to the country of the concession of their claim would be equal to an annuity, on lives over sixty-five years, of £6 16s. 1d. per day.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her to take into Her most gracious consideration the case of the Reserved Captains of Her Majesty's Navy,"  
—instead thereof.

ADMIRAL WALCOTT: I have much satisfaction in giving my support to the Motion before the House, convinced as I am, from the inquiries I have not failed to make, that the officers, at the time they accepted the captain's rank on the Reserved List, did so on the clear understanding that the construction they put on the order was the correct one, though I dissent from the opinion expressed by the hon. and gallant Officer that they had been cajoled into accepting it; because every one acquainted with the public and private character of the right hon. Member for Portsmouth must know that he was incapable of any act not strictly consistent with truth and honour. Believing then, as I conscientiously do, that both in reason and in justice these officers are entitled to their demands, I with all my heart, beg to second this Motion, and I will hope my noble and gallant Friend the Secretary of the Admiralty, will have the grace and wisdom to accede to it.

LORD CLARENCE PAGET said, he quite agreed with his hon. and gallant

Friend (Admiral Walcott), that whatever was thought of the order in Council, it would have been better to abstain from accusing so distinguished a statesman as the right hon. Member for Portsmouth of cajoling those officers into the acceptance of their present position. His right hon. Friend had carried away with him from the Admiralty the high opinion of the whole navy for his fairness and ability; and cajolery was a thing which no First Lord of the Admiralty at the present day was ever guilty of. With regard to the reserve captains, he had often stated that a great many of those gallant officers believed that they had been wronged. But he was positive that neither the form of their commission nor the circumstances under which they received these appointments gave them any fair reason to suppose that they were to remain in the same position as the active officers of the navy. Two categories of officers were comprised in the Order in Council of 1851: first, a certain number of commanders, who would not have been entitled to promotion to the captain's list until they had arrived at the head of the list of commanders, were promoted to the reserve list of captains; and, secondly, a number of commanders and lieutenants were removed compulsorily from the active list on to the reserve list of commanders and lieutenants, but without promotion, being told that this change should not damage their prospects. The officers, however, who were promoted from the active list of commanders to the reserve list of captains never had the hopes of further advancement held out to them at all. They were old officers, who might have remained for years in the commanders' list; and his right hon. Friend offered to promote them at once to the rank of captain upon the reserve list, giving them distinctly to understand that they were no longer liable to serve. But, he should be asked in that case what was the distinction between promoting them on the reserved list and the retired list. Well, the distinction was that the officers put on the retired list came upon it by seniority, but these officers were put upon the reserve list out of their turn, so that the position of the two classes was quite distinct. The Admiralty were not entitled to promote officers to the retired list of captains until they obtained their promotion by seniority; and therefore his right hon. Friend, in order to lighten the active list, chose from among the commanders a certain number and

made them reserve captains, upon the distinct understanding, he believed, that they were not to serve nor to rise *pari passu* with the officers of the active list. Any departure from that understanding would, he contended, be unjust towards the officers of the active list; for why should a body of men be put upon the reserved list, to rise *pari passu* with them, and yet not be liable to serve? But more than that, his hon. and gallant Friend was asking the House to inflict a great hardship upon these officers themselves. It was perfectly true that the Order in Council was not worded so distinctly as he wished it had been. But what had the Admiralty done in consequence of that supposed ambiguity? They took the case of the officers into consideration two years ago, and he had proposed, not to make their position the same as that of officers on the active list, but that those who had served a certain number of years should be allowed at once a considerable increase of pay. There were 90 officers on the reserve list, and upwards of 70 had benefited by the arrangement to which he referred, some of them receiving 6s. a day more than they would have received if they had been on the active list. Thus, three-fourths of those 90 officers were at that moment getting higher pay than their brethren on the active list, because it was said that there might have been in their minds a doubt of what their position was to be under the order in Council. If, therefore, they were now allowed to rise only as the officers on the active list rose with regard to pay, their extra allowance must be taken away, and the position of three-fourths of them would be damaged by the concession which was now asked for in their name. Under those circumstances, while their position was positively better than that of their brethren on the active list, to allow of their also rising to the higher grade of admiral with the officers of the active list would be unjust and unfair to the navy generally, and would produce great discontent and dissatisfaction. He therefore trusted that the Motion would not be pressed to a division.

SIR JOHN HAY explained, that he had not intended to say that the right hon. Member for Portsmouth, for whom he entertained the greatest respect, had cajoled these officers, but that they had been cajoled by the wording of the Order in Council.

SIR JOHN PAKINGTON said, he was glad to hear the explanation just given by



the hon. and gallant Member, as he agreed with his noble Friend that no First Lord of the present day would attempt to cajole the officers of the navy. As, however, he formerly had the honour of filling the office, he was anxious to know what construction the noble Lord put upon the words "of the present day."

LORD CLARENCE PAGET: I wish my right hon. Friend to think that I included him amongst the number.

SIR JOHN PAKINGTON said, in that case he fully agreed with his noble Friend. He repeated he believed that the right hon. Gentleman (Sir F. Baring) was incapable of cajoling the officers of the navy, and it was satisfactory to find that the hon. and gallant Gentleman did not intend to make the imputation which his words seemed to convey. The question was as to the construction of an Order in Council which was ambiguous and badly worded. On the last occasion when it was brought forward the right hon. Gentleman declared that it was not his intention that these officers should have the benefits which they sought; but in a spirit of great generosity he distinctly stated that he should be glad if the Admiralty could see their way to make the concession. As to what the intentions of the right hon. Gentleman might have been, it was most dangerous to construe any public document by considering what were the intentions of the Minister who proposed it. The right hon. Gentleman might have lost his seat for Portsmouth, in which case he would have been unable to tell the House what he intended. The only safe rule was to consider what the Order in Council itself expressed. Having studied the Order in Council, he not only found it ambiguous, but he was supported by high legal authority in stating that its fair construction was favourable to the officers who were now seeking this benefit. That being so, it was with great regret that he heard his noble Friend, who was himself a distinguished sailor, opposing the claims of these officers. In point of amount the concession would involve but a small matter. The officers asked for that concession, and he doubted whether it was worth while to go on year after year contending against a claim that had a legal opinion in its favour. He should be glad to hear, if there was any doubt on the subject, that the Government would give the officers the benefit of it.

MR. BAILLIE COCHRANE said, he thought if the concession were made a financial question, as the noble Lord the

Secretary of the Admiralty appeared to put it, the amount was very trifling; but the officers looked on the matter as a recognition of their position in the service. The noble Lord himself said the Order in Council was ambiguously worded, and he hoped the House would consider the question as one of justice and right.

LORD CLARENCE PAGET explained, that he had not said the order was ambiguously worded, but that the officers considered it was so. He thought himself that the order was clear; he could not assent to the opinion that it was ambiguous.

SIR FRANCIS BARING said, he could not allow the discussion to close without giving some information to the House that might assist it in coming to a decision. The right hon. baronet (Sir J. Pakington) assumed that he (Sir F. Baring) had not intended by the order to interfere with the just rights of any officers. With that he quite concurred; but, at the same time, when the meaning of a public document was to be ascertained, it was not unusually thought worth while to refer to those who framed it. He quite admitted, that if a promise had been made by the order, though against his intention, such a promise ought to be performed; but he denied entirely that by the wording of the document a promise was conveyed in any shape whatever. As to the legal opinion of its construction, unless a lawyer knew all the facts of the case, and all the details and circumstances that might affect the warrant, it was impossible for him to give a fair account of its meaning. He must state to the House that by the Order in Council he intended to deal with two classes of captains. A certain number of old captains he promoted, but with no intention of giving them any further advantage than the promotion they so received, and at the time very gladly received, without any condition or persuasion on his part. The other class of officers were commanders promoted to the rank of captain, and removed from the active to the reserved list. To these officers it was his intention to retain all the advantages they had before they were so transferred. All that was done for them was to remove them from one list to the other. The plan was fully stated in the *Navy List*, in these terms—

"While my Lords have recommended the abandonment of the system of brevet promotion in future, they are nevertheless desirous of meet-

ing the claims of old officers who have served long and well, and who seek their promotion rather as a reward for past services than in the expectation of further employment. To meet these claims equitably, and, at the same time not to fill the active list with officers who cannot long continue fit for service, their Lordships will promote by selection fifty commanders to the rank of captain. These officers will be placed on reserved half-pay."

With respect to one class of officers, there was no promise of any advantage beyond the promotion. But the other class, who were placed on reserved half-pay, were allowed to retain all the advantages of rising to higher rank and receiving pensions. As to any question of law, it was rather for the law officers of the Crown than the House; but he doubted whether the opinion of a lawyer on the subject was of very great value. He had no hostility to these officers; far from it. He was the first to recommend the arrangement, from which he believed the service had derived considerable advantage. When he was asked to state his opinion on the case of the officers in the House, he had gone through the papers fully, and he was obliged to tell them he was sorry he could not support their case; he was satisfied they had no claim.

SIR FITZROY KELLY said, he had no doubt the right hon. Gentleman had correctly stated what had been his intention; but the real question was this—what was the natural, fair, and ordinary interpretation of the Order in Council, and in what sense was it accepted by those it affected? Now, they had the opinion of one of Her Majesty's counsel that if the order could be submitted to a court of law, its decision would be in favour of the officers; that such would be the decision on a contract between man and man drawn in the language of the order. They also had for that the high authority of a noble and learned Lord in another place to the same effect. The noble Lord admitted that the order in Council, if not ambiguous, was not as clear as could be desired, and if there were a doubt likely to lead to injustice, it was easy to modify the order in Council, or to issue a new order. Common justice and equity required that the construction should be put upon it which was contended for by these officers.

SIR MICHAEL SEYMOUR said, that as a naval officer, sympathizing with men who believed that their claims were founded in justice, he should support the hon. and gallant Officer if he went to a division.

*Sir Francis Baring*

At the same time, there was a still larger question remaining for determination—namely, the whole scheme of retiring allowances in the navy. The present scheme (that of 1860) was partial in its character, utterly excluding from its operation the higher class of officers; and it was impossible it could become permanent.

SIR HENRY LEEKE said, he thought the time had arrived when justice should be done these officers if they had right on their side. They asked to be put on the same footing of equality with brethren by whose side they had stood for many years. The sum required to effect that object was not more than £2,000 a year, and he would recommend that a mixed Committee, consisting of two generals, two admirals, and two civilians, all Members of the House, be appointed to settle the matter in dispute.

MR. WHITBREAD said, that there were three points which required to be borne in mind by the House in dealing with the subject. The first was, that in 1851, when these officers were placed upon the Reserved List, they got a step in rank and a large increase over what would be their normal half-pay for the next eight or ten years if they had gone on in their ordinary course. The next point was, he could not understand how they could expect to rise on that list of half-pay *pari passu* with other officers, when staring them in the face in every Navy List which had been published from that time was the announcement that the increase of half-pay which they claimed was only given to the first seventy and the next hundred on the active list. In the third place, these officers must either be treated as on the half-pay or the retired list. The Admiralty, taking the latter view, had extended to them the benefits which were given to other retired officers under the Order in Council of last year. He wished the House to bear that in mind in considering the claims of these officers. They could not be treated at once as officers on the active list and on the retired list. If they were treated as officers on half-pay, and allowed to rise in the same ratio as other officers, there would be taken away from the large majority of them those emoluments and advantages which the Admiralty had given to them, in common with other officers, on retirement for length of service. They could not have the advantages of half-pay and those of the retired list at the same time.



Question put, "That the words proposed be left out stand part of the Question."

The House divided:—Ayes 72; Noes 66: Majority 6.

#### FRAUDS IN ORDNANCE ACCOUNTS.

##### OBSERVATIONS.

MR. WHITESIDE: I wish to call attention to the facts proved on the recent trial in Dublin of Hamilton Conolly, a clerk in the Ordnance Department, and of John M'Ilvaine, a contractor with the Government; and to ask Mr. Chancellor of the Exchequer, or the Secretary to the Treasury, to explain in what manner the Ordnance Accounts are kept and audited, which allowed the proceedings by the parties convicted at such trial; and whether any and what changes have been effected in the mode of keeping the Public Accounts calculated to prevent a repetition thereof? These two persons were tried for conspiracy. The one, Hamilton Conolly, was a clerk in the Ordnance Department, drawing a very respectable salary, and bearing, of course, a good character. The other, John M'Ilvaine, was a contractor with the Government, and, according to the evidence of several witnesses who were called on his side, one of the most respectable men that ever lived. The frauds for which they were brought to trial and convicted were committed in the following manner:—It appears that when a contract is made in Ireland—say, for the repair of barracks—the estimate is considered and the prices are fixed in a most methodical manner. When the work is done, it is carefully examined. The head of the department in Dublin, Colonel Durnford, an officer of Engineers, and, I need hardly say, a man of unexceptionable character, retains a facsimile of the Account, and gives the counterpart to one of the clerks to forward to the Ordnance Department in London. Conolly availed himself of this practice to alter the account before sending it away. Sometimes he inserted £300 or £400, or sometimes £500 extra. The account which bore Colonel Durnford's signature was next examined by a number of very able gentlemen in London. When, however, they were satisfied of the correctness of the account, they did not communicate with Colonel Durnford or any of the officials in Ireland, but sent a check direct to the contractor. In this case the contractor, M'Ilvaine, was in collusion with

the clerk Conolly, and therefore, when he received a letter authorizing him to draw on the Treasury for a sum perhaps twice the amount of his account, it was thankfully received and immediately obeyed. In passing sentence on the offenders, the Judge enumerated some of the instances of fraud which occurred between February and July, 1861. A sum of £323 17s. was altered into £628 7s. 2d.; another of £271 11s. in £576 1s.; another of £361 14s. into £706 17s.; another of £221 16s. into £445 18s.; and another of £268 into £501. Of course, had the head of the department in Dublin caught sight of any of the altered accounts or orders to pay, the fraud would have been at once detected. But, with singular ingenuity, all the checks were arranged so that there was no safeguard whatever against conspiracy between a clerk and a contractor. It was chiefly in the items for slating that the figures were altered. A gentleman told me that there were charges for slates enough to cover the Isle of Wight. Any one who knew anything of the barracks for which it was pretended that these slates were required, could see at a glance that it was utterly impossible such a preposterous quantity could have been used. On the trial the Judge observed, that although he was, of course, bound to confine himself to the frauds disclosed in the evidence, he had a shrewd suspicion that they were but a small portion of the system which had been carried on in the department for a series of years. I have been told that these two gentlemen, one very religious, and the other a very fashionable man, have been making nearly £2,500 a year by their dishonesty. Indeed, they might, perhaps, but for an accident, have been still pocketing large sums. The report is, that the fraud was discovered only through a clerk from Dublin happening, when in the London office, to set eyes on one of the cooked accounts. Upon that the law officers were called in, and the two gentlemen were arrested, one of them as he was going to a dinner party, which was clearly very inconvenient for him, and very distressing to his feelings. It was discovered that the two rogues had an agreement to divide the spoils. They were convicted, and the justice of the country was vindicated. I wish to know from the Government what sums of money have been abstracted from the public treasury in this manner; and what steps, if any, have been taken to

prevent a repetition of this systematic and long-continued plundering?

SIR GEORGE LEWIS: The statements of the right hon. Gentleman are perfectly correct as far as they went. The information I have received is, that a clerk named Conolly, who was formerly in the Ordnance Department, and afterwards on the Consolidated Staff of the War Department as chief clerk of his branch, conspired with a contractor named M'Ilvaine to defraud the Government. My information leads me to the belief that their frauds extended over the years between 1848 and 1861. It is plain that as the amalgamation of the Ordnance and War Departments took place in 1854, these offences were not due to that measure. The manner in which the frauds were committed was this:—The Commanding Officer of Engineers certified the value of the work done, and delivered the certificate to the chief clerk, who, in collusion with the contractor, increased the amount, and transmitted it to the War Office in London, where it was examined, and whence the order for payment on the paymaster was sent to the contractor. That was the system of checks; the chief clerk was supposed to be a check upon the officer of Engineers, and the contractor to be a check upon these two officers. It was the practice of the old Ordnance Office, and no alteration was introduced by the combined departments. The right hon. Gentleman said, that if payment had been made on the order of the officer of Engineers, the possibility of fraud would have been avoided. But, without intending to cast any imputation upon the honour of officers of the army, he must say, that if there had been collusion between the officer of Engineers and the contractor, such a system would have led to a precisely similar result. [Mr. WHITESIDE: Then we have no hope?] Your hope is in this, that you may have a system of checks which will make fraud extremely difficult. *Quis custodiet ipsos custodes?* No system of checks can be devised which, by means of forgery and conspiracy, may not be defeated. I believe that at first the frauds were not large, but impunity rendering the parties bolder in late years the amounts of which the public were defrauded became more considerable. As these persons were only convicted of frauds to the extent of £1,400, I feel some difficulty in stating, upon what may be con-

*Mr. Whiteside.*

sidered official authority, the extent of the frauds which they actually committed, as they may have friends and relations whose feelings would be hurt by such a statement. If the House thinks I am justified in making the statement I have no objection to do so; but I will not voluntarily state the amount, though I may say that it considerably exceeds that which was proved at the trial. The frauds were detected by a clerk in the office, who suspected something was wrong, and wrote to London. Inquiry was made, and the irregularity was at once found out. The rule which has been adopted to prevent the recurrence of such practices is, that the Commanding Officer of Engineers should send to the London office a duplicate statement, which will be a check upon the clerk. This will prevent the recurrence of any precisely similar frauds, but it is impossible to provide securities against every possible fraud which ingenious rogues may devise. Means have also been taken, with which I need not trouble the House, to prevent such frauds as these leading to the expenditure of more money than has been voted by this House.

SIR FREDERIC SMITH said, that in England the system was very simple. The works were executed by contract and measurement, and when complete the contractor, the clerk of the works, and the executive officer of Engineers, each of whom kept a book, checked one another. The check was complete, for there must be collusion between all four persons before any fraud could be effected. It appeared that in the instance referred to the amount paid was more than the work could cost. It should be known that in these cases there was an estimate, and every sum paid upon it was entered in a book. Now it was the duty of the clerk who made the entries, the moment there was an excess of payment over the estimate, to state the fact; and therefore the contractor would be called upon to know why there was an excess. He contended that the practice should be that no bill in which there was an erasure or interlineation should be paid, and he would suggest that there should be a positive order to that effect.

#### CIVIL SERVICE ESTIMATES.

##### OBSERVATIONS.

MR. A. SMITH said, he rose to call attention to the delay in presenting the



Civil Service Estimates. Although the House had been sitting six weeks, no progress had been made with these Estimates. Last year Parliament met in the first week of February. On the 15th of the same month the hon. Member for Norfolk (Mr. Bentinck) asked when the Miscellaneous Estimates would be produced. He was told they would be ready in a fortnight. That promise was not fulfilled, and on the 7th of March the hon. Baronet (Sir S. Northcote) repeated the question. The hon. Secretary to the Treasury stated that he would not fix the time. On the 19th the hon. Baronet said it was highly desirable the Miscellaneous Estimates should be laid on the table before the Easter recess. They were then promised for the following Friday. The House rose that very day for the recess, and although the Estimates were laid on the table on that day they were not printed until the House re-assembled on the 11th of April. They were supplied to the House separately and at intervals, and it was not until the 19th of April, nearly a month after, they were laid on the table, that the Estimate No. 1 made its appearance. He was afraid a similar course was about to be pursued this year, but he was glad to see that soon after he had placed his Motion on the paper part of those Estimates had been laid on the table and some had been printed. Perhaps the Government would state when the others would make their appearance. The Select Committee on Public Monies, on Miscellaneous Expenditure, and on Public Accounts had all recommended that the Miscellaneous Estimates should be laid on the table as soon as possible after Parliament met, and the House had a right to know whether the Government intended to carry out these recommendations. He believed that all balances of a former year would not now be applied to a subsequent year, and that was an additional reason for expedition. On comparing the dates, however, there did not appear to have been any greater expedition that year than during the last.

THE CHANCELLOR OF THE EXCHEQUER said, he would remind the hon. Gentleman that a decision having already been taken upon the question that the Speaker should leave the chair, his Resolution could not be entertained, according to the forms of the House; but that was no reason why an explanation of the points on which the hon. Member desired to be informed, should be refused. The

principle, no doubt, was a sound one, that the Miscellaneous Estimates should be prepared as early as possible, and discussed with deliberation while the House was full. There were, however, important limiting considerations interposing considerable difficulties, which could only be gradually overcome. It was true that the Naval and Military Estimates were laid on the table within a week after the meeting of the House; but they were Estimates prepared within the departments to which they referred. The Miscellaneous Estimates, on the other hand, were of the most varied and diverse character, and the Treasury were dependent not only upon public departments for their production, but also on Members of Commissions, the governing bodies of Institutions, and even on others who gave their gratuitous services to the public. The Treasury had to enter into correspondence with these persons; it was sometimes necessary to see them on the business of the Estimates; and these interviews could not be obtained except when people usually came to London. He could not affirm, therefore, that it would be possible to present the Miscellaneous Estimates with the same regularity and certainty as the Military and Naval Estimates. At the same time, he agreed that it was the duty of the Government to endeavour to overcome the difficulties which now caused delay, and that the Government were endeavouring to do. It must be remembered the Government had no power to fix the time when, if ready, the Miscellaneous Estimates would be considered. There was no fixed time even for the Military and Naval Estimates; and as for the Miscellaneous Estimates, they had to take their chance. They were elbowing about by the mass of public business, and they were taken when the Government could get a night. In cases when the House was not able to consider them until the month of June it was not desirable they should be laid on the table in February, because during so long an interval they would require in many respects to be altered. It was most desirable that the time of their preparation and introduction should have a certain reference to the time when the House would be able to consider them. He trusted, therefore, that no attempt would be made to bind the Government by a stereotyped Resolution. If the House laid down a fixed rule that the Treasury should present the Miscellaneous Estimates within a fortnight,

for example, after the House met, the Treasury would do it. But the effect would be that the Miscellaneous Estimates would be imperfect, and the practice of presenting supplementary Estimates—one of the greatest financial evils the House could endure—would of necessity prevail. With respect to the public balances, he proposed to take the Vote on the Miscellaneous Estimates, subject to the condition that the balances would, as he hoped, be surrendered next year.

Main Question put, and agreed to.

#### SUPPLY.

Supply considered in Committee.

House resumed.

Committee report Progress; to sit again on Monday next.

#### MERCHANT SHIPPING ACTS, &c., AMENDMENT.—LEAVE.

Order for Committee read.

House in Committee.

Mr. MILNER GIBSON said, he rose to move for leave to bring in a Bill to amend the Merchant Shipping Act (1854), the Merchant Shipping Act Amendment Act (1855), and the Customs Consolidation Act (1853). The object of the Bill was to give effect to some of the recommendations of the Merchant Shipping Committee, and to amend the Acts he had mentioned, so as to meet the various requirements of the shipping interest, and to remedy those defects which experience had shown existed in the Merchant Shipping Act of 1854. The first material provision contained in the Bill was a proposal to extend to engineers the same system of certificates of competency and service which were now granted by captains and mates of foreign-going merchant ships and home-trade passenger ships. That system had worked extremely well, and it was intended to give to the Marine Boards and Board of Trade power to deal with those certificates upon charges of misconduct. When the Merchant Shipping Bill was passed various classes of vessels had claimed to be exempted from its operations. They did not desire to be subjected to the discipline clauses of the Merchant Shipping Act; consequently the masters and crews of such vessels had not had the advantage of that summary proceeding, one against the other, which masters and crews enjoyed under the discipline clauses of that Act. At the request of those various exempted classes of ships, the discipline

clauses had been extended to them. They included fishing vessels, lighthouse vessels, and some others. Some time since the French Government made a communication to Her Majesty's Government, stating that it was very desirable that some general system of rule of the road should be adopted by international arrangement, so that vessels of all the maritime powers might, when meeting each other at sea, pursue the same rule of the road and thus avoid collision. Her Majesty's Government thought that such an object was very desirable, and rules had virtually been agreed upon in conjunction with the French Government, and it was hoped that other maritime Powers would adopt them. Those rules would be found in the schedule of the Act. As regarded the carrying of certain lights, fog signals, &c., certain regulations were to be made by which masters of vessels would be made amenable for neglect so far as they were within British jurisdiction, and courts of law would be empowered to decide what parties had not complied with the rules and regulations. One of the most important of the recommendations of the Merchant Shipping Committee had referred to the question of pilotage. The present system, so far as it was compulsory in any of the pilotage districts, was very much complained of. It was provided by the Merchant Shipping Act that a vessel in charge of a pilot of one of those districts might do injury to another vessel through the default or neglect of that pilot, and yet the owners of the former vessel would not be liable for damages, because he was not their servant, but a pilot forced upon them by the regulations of the port. If he was a voluntary pilot, then he was held to be the servant of the owners, and any damage happening through his default would fall upon the owners of the vessel. That was a serious difficulty in connection with compulsory pilots. The Bill aimed at providing a mode of dealing with compulsory pilotage without abolishing it directly by enactment, because the question involved a variety of interests with which it was very difficult to deal. In the Bill, however, there was a provision by which parties interested in any district might petition the Board of Trade, which might issue a provisional order for the purpose exempting any class of vessels in that district from such compulsory pilots, but that order would not have the force of law until confirmed by Act of



Parliament. They did, however, propose to abolish compulsory pilotage in some cases by the enactment, in accordance with the recommendations of the Merchant Shipping Committee. It was proposed that a vessel passing through a pilotage district, but not bound to any port in that district as a place of discharge, should be exempt from compulsory pilotage. That was desirable, inasmuch as under the present system, vessels were deterred from running into harbours of refuge and into anchorage to take shelter. They kept the sea, and underwent great wear and tear, and were occasionally lost in gales of wind from the fear of subjecting the owners to charges for pilotage. It was therefore proposed in those cases to abolish compulsory pilotage in the case of all vessels passing through a pilotage district. Where there was a central pilotage authority, like the Newcastle Trinity House, which exercised a pilotage jurisdiction over the ports of Shields, Hartlepool, Sunderland, and some other places, they proposed to enable such places, by applying for a provisional order, to transfer to themselves the jurisdiction over their own pilots. They proposed, in accordance with the recommendation of the hon. Member for Yarmouth, to make certain provisions with reference to salvage of life and property which would be best understood when the Bill had been laid on the table. It was also proposed to repeal certain clauses in the Customs Consolidation Act prohibiting the carrying of deck loads in timber-ships, which were found to be totally nugatory, and to interfere with the fair competition of the British with the foreign shipowner. There was another point of considerable importance, which they felt bound to deal with—namely, the liability of shipowners. As the law stood, if a ship did damage, the personal liability of the shipowner was measured by the value of the ship and freight. That was avowedly offering a premium on the employment of bad ships, and a man who sent his ship to sea well found, and in all respects did his utmost to provide for the safety and to contribute to the comfort of the passengers, was the man who incurred the greatest amount of liability in case of any accident or misfortune. He contended that the owner of a good ship and the owner of an inferior ship should be on the same level as to responsibility; and taking the exact figure recommended in the Merchant Shipping

Committee, he proposed to limit the liability in regard to sailing ships at a maximum amount of £15 a ton. In the case of steamships the measurement would be so made that the same principle would be applied to them as to sailing ships. There was another question which they felt bound to deal with—namely, the unshipment of cargoes of ships, and the preservation of the lien for freight upon goods after they were landed. Under the present law, a great deal of irregular practice went on, because ships could not be discharged, whatever might be the agreement between the shipowner and the shipper, until the expiration of forty-eight hours after the arrival of the ship, if the owner of the goods thought proper to avail himself of that delay. It was perfectly obvious that in these days of fast steamers coming from Continental ports to London only to remain a few hours, and advertised to sail again with passengers, a law of that kind, passed in reference to a different state of things, would become an intolerable inconvenience, and accordingly it was evaded by various expedients. It was therefore proposed to legalize what, in fact, was the practice, and to enact that if the owner of goods did not enter and discharge the goods according to the contract made with the shipowner, the latter should be entitled to enter, land, and insure the goods, and the goods so landed should retain on them a lien for the freight. Thus the business would be conducted with expedition and safety to all parties without the necessity of requiring the Custom House on the one hand, and the shipping houses on the other, to incur a violation of the law. As the law now stood, it was impossible to carry it out. With respect to large sailing ships in the docks, which, perhaps, came under a different head, it was proposed to give to owners of goods a certain time after the arrival of a ship—three days—to enter and commence landing; and if at the expiration of those three days the owners of the goods did not commence landing with all convenient speed, the shipowner would be entitled to do so. Thus means were provided by which the ship might, without unnecessary delay, be relieved from cargo, and the docks from obstruction. He believed that the Bill would be found to be just to all parties, and hoped the second reading would be allowed to pass without much discussion. It was a Bill of very miscellaneous

character. Each clause contained a different enactment; and the discussion would more properly be raised in Committee than on any reading of the Bill. It might be held that all those things might have been introduced in different Bills; but it was very desirable that the whole of the law affecting merchant shipping should be, as much as possible, confined to one or two statutes.

MR. LINDSAY was gratified with the statement of the right hon. Gentleman, as far as it went, and expressed approval of the proposition with regard to engineers. He doubted whether it was desirable to extend the regulations with respect to discipline down so low as to include the case of fishing vessels, while he was prepared to express his satisfaction at finding that negotiations had been entered into with the French and other Governments to establish one "rule of the road." In reference to the question of pilotage, however, he must express his regret that the Bill did not go further than the right hon. Gentleman proposed. Why should the system of compulsory pilotage be continued at all? At Newcastle the voluntary system was in operation, and it worked admirably. He hoped the right hon. Gentleman would reconsider the subject. As to the liability of shipowners, he thought the Government had arrived at a very wise conclusion, and he begged to express his thanks to his hon. Friend for having introduced the Bill.

MR. BENTINCK said, he wished to express his concurrence in the opinion that it was extremely desirable to establish an international "rule of the road," but he would at the same time warn the Government against the adoption of any theories on the subject which could not be conveniently carried out in practice. He hoped his right hon. Friend would take care that the captain of a ship should not again be placed in the position he was placed in by the Act of 1855, by which he was compelled either to run the risk of losing his vessel, or run the risk of forfeiting his insurance by acting in direct antagonism to an Act of Parliament. So far as the question of compulsory pilotage was concerned, he would observe that it seemed to him an unfair state of the law that all vessels carrying a compulsory pilot and doing injury to other vessels should be exempt from all liability on that account. He did not ask that every man should be allowed to act as a pilot, but that every man on the sea-coast who could show after an exami-

nation that he was duly qualified to act as a pilot should be allowed to do so, and receive a pilot's remuneration.

SIR HENRY STRACEY said, he was glad to find that some of the improvements in favour of which he had more than once spoken were about to be carried out. He hoped that the right hon. Gentleman would not have before his eyes the fear of the High Court of Admiralty, but would increase the power of local magistrates with respect to ownership and salvage when those claims were of small amount. When they were only to the extent of £200 they could now be adjudicated upon locally; but, unfortunately, they were generally above that amount, and had therefore to be taken to the High Court of Admiralty, whereby much useless expense was often incurred.

MR. J. C. EWART expressed his approval of the proposition to charge a uniform amount of £15 per ton in the cases referred to by the President of the Board of Trade. He also thought that, as a whole, the measure was satisfactory.

MR. AUGUSTUS SMITH said, the pilotage of St. Ives was far better served although there were no Trinity pilots, than that of Penzance, where there were Trinity pilots. He strongly objected to merchants being compelled to employ pilots under all circumstances. He would like to see the means established of settling salvage questions on the spot.

MR. CAVE said, that while, in some respects, the Bill did not go as far as a former measure, he thought it would be received with general favour by the shipping interest, and he did not agree with the hon. Member for Norfolk's remarks on compulsory pilotage. He was glad also to find that the right hon. Gentleman had made up his mind at length to grapple with the question of landing cargoes, which had been so long delayed; and though he told them he had not gone quite so far as in a former measure, perhaps in Committee they might be able to induce him to do so.

#### *Resolved—*

That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Merchant Shipping Act (1854), the Merchant Shipping Act Amendment Act (1855), and the Customs Consolidation Act (1853).

*House resumed.*

*Resolution agreed to.*

Bill ordered to be brought in by Mr. MILNER GIBSON and Mr. HUTT.

House adjourned at Nine o'clock,  
till Monday next.

*Mr. Milner Gibson*



## HOUSE OF LORDS,

Monday, March 24, 1862,

MINUTES.—PUBLIC BILLS.—1<sup>st</sup> Charitable Uses Act (1861) Amendment; Sir John Soane's Museum.

2<sup>nd</sup> India Stocks Transfer.

Royal Assent.—Consolidated Fund (£18,000,000); Exchequer Bills.

## LUNACY REGULATION BILL.

## COMMITTEE.

House in Committee (according to Order).

Clauses 1 and 2 *agreed to*, with verbal amendments.

Clause 3 (Nature and Limit of Inquiry under Commissions of Lunacy).

Numerous alterations in the clause were proposed and agreed to, the most important of which was the substitution of "time of inquiry" for "date of the commission."

On the Words of the Clause relating to the Medical Evidence,

LORD ST. LEONARDS said, he could not approve of the 3rd section of the Bill. The Act of 16 & 17 *Vict.*, sec. 47, carefully confined the inquiry as to the lunacy to the time of the inquiry: he had thus confined the inquiry because it had been usual unnecessarily to carry back the inquiry; but power was carefully preserved for the Lord Chancellor to carry back, under special circumstances, the inquiry as he might see fit. The first part of Section 3 was therefore mere repetition, and is open to the objection, that whilst Section 47 of the Act of 1853 is to remain unrepealed, this Section 3 in the Bill does not give to the Lord Chancellor the power which is reserved to him by the existing Act. But Section 47 does not limit the time to which the evidence may be given; nor is it wise to do so, for evidence prior to two years—the limit in the Bill—may be most important, and ought not to be excluded. It may be required in order to show that a delusion under which the lunatic labours is really founded upon what actually took place more than two years ago, and thus take from it the character of lunacy. The case mentioned by a noble Lord (Lord Shaftesbury) a previous evening of a barrister, who, after five years' quiet conduct in an asylum, was partially released, and sent to his house for his writing-desk, and in two hours after he received it was found dead from poison, shows that he was always

intent on self-destruction, and remembered that he had concealed poison five years before in his desk. Evidence of his former condition could not properly have been shut out upon a later inquiry. Many other instances might be given. The objection to the clause was not obviated by the words "unless the Judge or Master shall otherwise direct," for the parties would not know till the trial what evidence would be received. The exclusion of the opinion of medical practitioners, as evidence of insanity, is altogether inadmissible as it stands. The law sufficiently excludes their opinions, simply as such; but this enactment, whilst, of course, it would not exclude their evidence of facts, would prevent them from stating how far, in their opinion, those facts were evidence of insanity. Their abstract opinions ought not to govern; but their opinions of facts within their own knowledge—for example, where they have visited, and observed, and talked with the alleged lunatic—are entitled to great weight; for, generally speaking, they are men of science, who have dedicated their lives to the treatment of mental disease. Upon these grounds he altogether objected to Section 3.

THE EARL OF SHAFTESBURY observed, that they must be careful, in altering the clause, not to exclude medical testimony altogether. He understood that the object of the Lord Chancellor was to limit the evidence of medical witnesses to matters of fact, and to check those speculative flights in which they were apt to indulge. He believed that end might be attained by the insertion of words so as to make the clause read thus:—"Nor shall the opinion or conclusion of any medical practitioner, unless founded wholly or in part on facts indicating insanity observed by himself, be admissible in proof of the insanity of the alleged lunatic."

Amendment *moved*, to leave out after "practitioner," and insert "unless founded wholly or in part upon facts indicating insanity observed by himself."

LORD CRANWORTH thought the words very objectionable. Medical men might sometimes indulge in wild speculations, but those speculations would be counteracted by the good sense of the Judge who directed the jury. The medical attendant on an alleged lunatic might say that he had known him all his life; that he was a capricious boy; that he was a capricious man; but that the strange conduct deposed to was quite consistent

with sanity. Another medical practitioner might say that he had attended him, and that his conduct proved him to be perfectly insane. Between those two opinions the jury, under the direction of the Judge, would have to decide. But if the proposed Amendment were agreed to, the effect might be to exclude evidence which, in the opinion of the Judge, was material to the issue. The provision would introduce a principle for which there was no precedent in any other branch of the law. Medical testimony was received on the most delicate questions in every other branch of legal inquiry. In criminal procedure a man died, and the question was whether his death was from poison or natural causes. Again, in testamentary inquiries a man who had made a will died some years afterwards, and the question was raised between the heir-at-law and devisee, whether the testator was of sound mind at the time. Medical evidence was often conflicting, and might mislead; but it was a short way of cutting the knot to say it should not be listened to at all, and that a Judge of a superior court should be guided by this legislation as to what was relevant, and not by the ordinary rules of law.

Motion (by leave of the Committee) withdrawn.

Further Amendments made.

Question proposed, that the Clause, as amended, stand part of the Bill.

LORD CHELMSFORD, who had given notice to move the omission of Clauses 3, 5, and 7, said, he rose to move the first Amendment of which he had given notice, the omission of the third clause. He was apprehensive that their Lordships would be led to consider that this was a mere question of words and immaterial clauses instead of one, as he conceived, of very great importance. They were legislating confessedly under circumstances of pressure, arising from a late proceeding under a commission of lunacy. The extraordinary length of that trial, the nature of the evidence given, the contradictory character of the medical testimony, conspired to raise in the public mind a feeling that the law was defective and required amendment. He was always apprehensive that when the Legislature yielded too easily to a demand for an alteration of the law there was danger lest they might be hurried into some legislation which they might afterwards regret. He was not afraid to say, notwithstanding all the objections which had been made,

*Lord Cranworth*

that he believed that the law of 1853, for which they were indebted to the noble and learned Lord (Lord St. Leonards) worked exceedingly well, and answered almost every object that could be desired. It was a matter worthy of notice that since the passing of that Act, which came into operation in October, 1853, there had been no less than 561 commissions of lunacy issued, out of which 20 only had been determined by juries; 12 of these 20 were settled in less than a day, and the rest, with two or three exceptions, in a very short time. No fewer than 541 of these commissions had, therefore, been decided without the intervention of a jury, and merely by the judgment exercised by the Master on evidence brought privately and quietly before him. Nothing could be of more interest than these facts, for they showed how much the feelings of many families had been spared, whilst the necessary protection had been afforded to the unfortunate objects of the inquiries. But the proceedings to which he had adverted had made the public anxious that some means should be devised by which, if possible, the length of such inquiries might be restricted. In order, therefore, to meet the wishes of the public in this respect, the third clause of this Bill was proposed. It contained two provisions, which it was assumed would have the desired effect. The first of these provisions was to the effect that evidence as to anything done or said by a person who was the subject of an inquiry, or as to his demeanour or state of mind, at any time being more than two years from the time of the inquiry, should not be received; the second provision was that the opinion of a medical practitioner should not be admissible as evidence of insanity. He thought he should be able to satisfy their Lordships that both these provisions were exceedingly objectionable. Seeing that the 47th clause of the Act of 1853 was not repealed, he could not see the necessity for the first portion of the clause now proposed. He did not think that this clause was necessary while the 47th clause of that Act was retained. That clause presented this advantage, that it gave the Lord Chancellor power, under special circumstances, to direct that the inquiry should be carried back either indefinitely or to a specified time. This power was extremely useful, because, supposing that the alleged lunatic had executed a deed at a particular



date, the Lord Chancellor could direct the inquiry to be carried back to a period embracing the date of the deed, so as to be furnished, by the verdict of the jury, with the means of deciding upon its validity. He quite agreed that the 47th section directed that the inquiry should be confined to the question whether or not the party was of unsound mind at the time of the inquiry; but still it did not limit the period as to which evidence could be given; and to determine the question of insanity at the time of the inquiry it might be necessary to take a very wide range. If it were a case of acute mania, of course it would be sufficient to produce the person before the jury, and the state of his mind would be at once determined; but where it was a case of chronic insanity, the growth of years, and in which there might have been lucid intervals, how could they limit an inquiry by an arbitrary line, drawn at any particular point? In the case of delusions which had been long kept down by the soothing care and attention of the family, but which in the end broke out, and a commission was issued, it would be necessary to go back to a distant period to show the existence of these delusions, and the continuance of them down to the time in question. In considering this matter their Lordships might be too apt to look only on one side. It was proposed to prevent the petitioner from giving evidence of what took place before the commencement of the two years; but would they preclude the alleged lunatic from doing so? This might be fatal to the interests and to the happiness of the party charged with lunacy. Suppose a case of evidence of alleged delusions within the limited period, but the alleged lunatic were able to establish by proof of facts prior to the two years that the supposed delusions were not merely the creations of his imagination, but were founded upon circumstances actually occurring; surely it could not be intended to exclude evidence of this kind? It might be answered that the Judge would direct when such evidence should be given; but then the evidence might not be known by him to be necessary until the whole case of the petitioner had been gone through; and if the alleged lunatic were to give evidence extending beyond the period of two years, the petitioner must of course be allowed some opportunity of rebutting it. Another consideration was this—their

Lordships were well aware of the extreme reluctance of families to resort to a commission of lunacy; but if the inquiry should be limited to two years, and the relatives knew that they would be shut out from important evidence if they did not proceed, they would feel themselves in many cases compelled, however reluctantly, at once to obtain the commission, and thus the number of these painful cases would be materially increased. It was said that this was not an absolute and peremptory rule, for the Judge, whenever he thought it expedient, might direct that the evidence should be extended beyond the period of two years. But was it intended that the Judge should receive this as a general rule laid down for himself, or was he to consider it as a rule that was subject to exception in every case in which he chose to exercise his discretion? If the latter was intended—if this was to be a perfectly flexible rule—then it was utterly unnecessary, because in every case the Judge would, in a delicate inquiry of this kind, feel compelled to submit himself to the discretion of the counsel conducting the case. If, however, it was to be a rigid rule laid down for the Judge, which he was to break through only upon extraordinary occasions, then it would be productive, not only of very great mischief, but of the greatest possible hardship and injury to the unhappy parties who would be subject to its influence. He could not help thinking that the only possible effect of this limit of two years would be to embarrass the Judge by fettering his discretion, and compelling him to confine himself within the limit, unless he was almost forced by the peculiar circumstances of the case to cross the line; and wherever this arbitrary line was drawn they were sure to be in danger of excluding evidence of a most important character. He also contended that the provision was not necessary, as was proved by the 561 cases of lunacy which he had referred to as having been tried under the existing law. Their Lordships would further observe that this clause was not confined to cases of trial by a jury only, and that the Master, in the cases which were disposed of by him, would feel himself equally fettered by it. Now as regarded that part of the clause which referred to the exclusion of medical testimony, he was not clear upon the wording of the clause, whether it was intended to exclude medical evidence generally, or only medical evidence

not founded upon some ascertained facts; and he thought that this should be stated more exactly. His own opinion was that there was considerable doubt how far the mere opinion of a medical man, not founded upon ascertained facts, was evidence. He knew that upon Commissions of Lunacy it had been considered that a medical man who had not seen the alleged lunatic, but who had heard the evidence from beginning to end might be asked, "Having heard the whole of the facts, what is your opinion?" He could not help thinking, however, that that evidence was highly objectionable, for the question, whether the facts established one conclusion or another, was what the jury was to determine; and to ask a medical witness a sweeping question of this kind seemed to be to put him in the position which the jurymen alone should occupy. The question how far medical evidence should be allowed to go was dealt with in the case of M'Naghten, who was tried and acquitted upon the ground of insanity. Their Lordships asked the Judges this question—

"Can a medical man, conversant with the disease of insanity, who never saw the prisoner previously to the trial, but who was present during the whole of the trial and the examination of all the witnesses, be asked his opinion as to the state of the prisoner's mind at the time of committing the crime, or whether he knew he was acting contrary to law, or was under a delusion?"

And the Judges answered—

"We think that a medical man under the circumstances supposed cannot in strictness be asked his opinion, because upon the truth of the facts depends that upon which the jury is to decide; the question is not merely one of science, but became such only when the facts were not disputed. It may be convenient to allow the question to be put in that general form, though it cannot be insisted upon as a matter of right."

Such evidence, therefore, was scarcely, if at all, admissible. He had himself had some experience in cases of this kind, and he was not aware of a single case of evidence of this kind being given where the medical man had not examined the alleged lunatic himself. His evidence was generally founded upon questions he had himself put to the alleged lunatic and the answers given; so that his evidence was as to facts and his own conclusions founded upon them. If the clause was meant to exclude evidence of that kind, he thought that it would be highly prejudicial, by breaking in upon a course of evidence which had always been considered to be of the highest importance; though he should be glad to see medical men prevented from

stating mere opinions without stating the facts which led to their conclusions. What he had already said only referred to inquiries where the alleged lunatic was still living; but were they to refuse to receive the evidence of medical men where the question, in cases of disputed wills for instance, was as to the sanity of a dead man, and to which cases the answer of the Judges in M'Naghten's case would not apply? The vast majority of cases decided by the Master, without the assistance of a jury, were decided to a great extent upon the evidence of medical men, and he thought that it would be impossible altogether to exclude evidence of this kind. For those reasons he would move the omission of the clause.

Amendment moved, to leave out Clause 3, as amended.

LORD CRANWORTH said, he entertained the strongest objection to any enactment altogether excluding medical testimony, which was often of the very greatest assistance in such an inquiry. He quite agreed as to the necessity of abridging these inquiries, for he believed that these investigations had been sometimes carried back to an unnecessary extent. But he thought that a real and sufficient control would be exercised over this tendency in similar inquiries if the trial of the case were intrusted to one of the Judges of the superior Courts. By a word or a look a Judge was in the habit of saying to counsel, "Are you not carrying this to an unnecessary extent?" During many years' experience as a common law Judge he had never seen counsel resist a suggestion of that kind. All this might, therefore, safely be trusted to the Judge, in the same way as in the ordinary trial of a common issue before the Judges of the Superior Courts; and he felt convinced that the Judges would take care that the inquiry was kept within proper limits, irrespective of any legislation on the subject.

THE LORD CHANCELLOR said, he hoped he should be able to satisfy their Lordships that the present clause was absolutely requisite to bring back the course of procedure in these cases to the rule and standard of reason and common sense. He admitted, that in addition to other proofs of the necessity of bringing a Bill before Parliament for the purposes for which it was proposed, his attention had been thoroughly arrested by the enormities that took place on a recent trial. He would admit the wisdom of being exceed-



ingly cautious in not hurrying on legislation under the pressure of a particular case. But after examining most carefully that, as well as other cases, for the purpose of eliciting what were the vices of the present system, of which just complaint had been made, he came to the conclusion that there were two evils and two anomalies. One was, that there was no limit to an investigation in a question of insanity; so that when the point was whether the unfortunate subject of the inquiry was or was not insane at some particular time, the inquiry might be carried back so as to admit proof of what he said and did during an indefinite period. He thought that no man could be expected to come prepared to rebut testimony given with regard to something in his conduct fifteen or twenty years ago. He would take the evidence of the first witness in the recent case to which he had alluded. It was not necessary to mention names, but the witness was a man of considerable eminence in his profession. This gentleman was asked when he became acquainted with the alleged lunatic. He replied that he knew him when he was four years of age. Being asked what he observed at that time, he said his opinion was that he was of infirm mental organization, and that this was congenital. He then used the following expression:—

“He has always shown evidence of congenital mischief, such as I should have expected to ripen into idiocy in after-age.”

The jury were told what was the mental condition of a boy of four years old, and the speculative conclusion of the medical man thereon. The witness was asked whether there was anything in the shape of the boy's head that assisted him in coming to a conclusion, and he replied that the head was larger in proportion to the face than it ought to have been—“his forehead was not in due proportion to the back part of his head.” So that the shape of the boy's head of four years of age was actually gravely taken as a legitimate indication of what his mental state was when he was twenty-four years of age, and a surgical judgment was arrived at from the fact that the forehead in infancy was not in due proportion to the back part of the head. Then the witness was asked, “Have you had much experience with reference to persons whose minds are not sound with regard to their laughing? Have you listened to laughing so as to form a judgment?” The answer

was, “I know a laugh that is the laugh of an imbecile from the laugh of those who are not so.” Now, was it reasonable to go back twenty years with such inquiries? Was it reasonable to have a judgment taken on an issue so framed as to depend on the shape of the head at four years old, and the laugh being that of an imbecile? What could be more dangerous? He, therefore, desired to lay down two rules to govern these inquiries, and bring them within the standard of sense and reason. He had been told that this clause excluded medical testimony in these inquiries; but it did no such thing. He did not exclude the evidence of what a witness might have himself seen, heard, and observed. What he wished to exclude was the evidence of speculation, fancy, and idle theory, not warranted by any inductive reasoning founded on facts. For instance, was it an opinion or a fact, that was stated in the evidence in the case he had quoted, that the head of this child of four years old measured 22½ inches, when the standard of sanity required that it should be 22 inches and no more? What was it that the law wanted to ascertain? It wanted to come to a moral conclusion, and not to ascertain whether a man was a maniac or a monomaniac—whether he suffered from dementia or amentia, melancholia, or mania combined with fatuity, or any of the hundred and one definitions of mental disease given in the vocabulary on insanity. The law wished to arrive at this practical conclusion—whether a man had the capacity to govern himself and his affairs. Whom had the law made the judges of that? The law had made the judges of that fact a jury of common men. They were to take the facts and to derive their conclusions from those facts. He could not better illustrate this than by the sensible answer of two physicians to a sensible question put to them in the same case. The question was of this nature, “Do you concur with me that in cases of this description it is a matter of evidence and a question of degree?” The answer was, “Yes, a matter of evidence and a question of degree.” Again, “Then, are experienced laymen as well able to form a satisfactory opinion on this subject as any medical gentleman?” Answer, “I think a case like this speaks for itself. I think laymen or men of the world are quite as competent as myself to come to a right conclusion, having all the facts of the case before them.” If a physician were to tell

a jury that a man did so and so, and so and so, and that therefore he thought that man mad, the production of the physician would be a mere piece of supererogation; because, if the conclusion at which he had arrived were from antecedent facts, it was for the jury; and when the conclusion he drew was nothing but an inference from facts, which facts he gave in evidence, it was the business of the jury to arrive at a conclusion from those facts. He quite admitted that a medical witness might be a more accurate and acute observer than others; but what he wanted to exclude was evidence of opinion without the production of the facts upon which the opinion was founded, that such a man had a diseased brain, that that disease of the brain accounted for this or that fact, and that therefore the man was mad. In such a case the conclusion that the brain was diseased was arrived at by the medical man from particular grounds known only to himself, upon which the jury, therefore, could found no judgment, and as to which there was no satisfactory standard laid down by the experts themselves so as to secure unanimity of opinion in the profession. In a case in which half a dozen medical witnesses could be had on each side, there might not, perhaps, be so much danger of wrong to the patient; but in the case of an unfortunate man who could not procure medical testimony, the joint opinion of two doctors—if two could be got to agree to a conclusion—would be sufficient to have the subject of their inquiry confined on speculative theories. Noble and learned Lords who had had experience in lunacy cases would easily call to mind instances in which medical men would be liable to fail, and in which lawyers would fail when they came to depend on medical testimony. In the law there were terms which were annexed to certain ideas and certain conclusions; but when they came to the medical vocabulary they found different notions and different conclusions attached to the same terms. It frequently happened that medical men used particular phrases and terms known in law, and to which the law attached certain conclusions of fact; while in reality those phrases and terms were used with different meanings by different medical men. He would illustrate that by what had occurred in a case in which medical men were called on to define lunacy. Half a dozen medical gentlemen gave their opinions that there was no lunacy, because they attached

to lunacy the existence of delirium or delusion, which they did not find in the case in question; but half a dozen other professional gentlemen, however, regarded lunacy as incapacity of the persons to manage themselves or their affairs; and as the person, the subject of the inquiry, had shown herself incapable of taking care of her affairs, they said it was a clear case of lunacy. In another case an inquiry took place at an expense of £3,472. It lasted five days, and the result was that the Commissioner and jury went to see the alleged lunatic at the end of the inquiry, and returned with the conclusion that it was a clear case of insanity. In another case, half a dozen medical witnesses went to see the subject of the inquiry, and the evidence given by one was that the decay of mental power might be set down as part due to mania and part to paralysis; and that if the paralysis had occurred without mania, the probability was that he should have found her mind in a state of decay without delusions. The doctor adduced as proof of the patient's insanity that she could not tell him how much £100 a year was a week. But on cross-examination the counsel asked him, in his turn, if he could tell, and the learned doctor was observed to hesitate. Said the counsel, "Don't be nervous, how much is it?" Said the doctor, "I decline to state." Said the counsel, "Is it that you will not, or that you cannot tell?" Said the doctor, "I decline to answer." Nevertheless this medical gentleman covered his retreat with a cloud of "sesquipedalia verba," and said, "I should call the case a mixture of chronic mania and dementia; or, speaking in popular language, a mixture of fatuity and mania in a mind which had previously been sound." Another learned physician examined the same lady, no doubt with great cleverness, and thought he would try her knowledge of law. He therefore asked her several questions about the constitution; but when similar questions were addressed to him by counsel, he himself betrayed considerable uncertainty and hesitation. This was the way in which these inquiries had been abused, until the very idea of a mad doctor's examination had become a by-word. These were matters arising from the vices of the present system, and the humble attempt which he was now making had for its object to discover where the abuses and the causes of error lay which had rendered such inquiries generally odious, and the



examination by mad doctors little better than a farce. With regard to the limit proposed to be put to the time of inquiry, it had been objected to the provisions of this clause that they introduced a novelty unknown in any other branch of legal inquiry. The effort was, undoubtedly, a novelty; but if it were sanctioned by their Lordships, it would go far to take out the evil by the roots, and prevent the recurrence of scenes which were a reproach to the courts of this country. Why should they wander over the life of a man to ascertain his state of mind at a particular period, when the sole question was whether the man was mad to-day? It was easy to see how the practice had arisen. In former times the point was to find when the title of the crown to the custody of the lunatic accrued, and it was necessary, therefore, to travel back in order to know what claim the sovereign had to the rents and profits of the sufferer's estate? But when the question was merely as to the man's present state of mind, nothing could be more cruel or unjust than to embark upon an inquiry into his conduct during the last ten years. It was, moreover, unjust as affecting third parties. The justice of English law, and of every law, held as a maxim that the conclusions to which a court of justice might come were binding only upon the litigants, and that because they alone were the only persons who had been represented, and had had an opportunity of being heard. Nothing obviously could be less in accordance with the principles of equity and right than to allow the decision of a commission of lunacy, acting upon mere *ex parte* evidence, to set aside deeds executed some time before, and affecting persons who had not been allowed to interfere in the inquiry. To revert to the question of the medical evidence, the opinions of medical men with regard to the state of mind of an alleged lunatic were perfectly different from the evidence given as to *post-mortem* examinations at criminal trials. In the latter case they had before them a dead body; they were dealing with the particular state of the tissues, the coatings of the stomach, or an analysis of its contents, and they came to their conclusions upon actual facts. If there were any process by which, in the case of a lunatic, a man's skull could be cut into, and the different coats and linings of the brain exposed, so as to exhibit whether they were too much gorged or the circulation impeded, there

might be something in the plan. But medical science had not yet attained that pitch of development, and medical men imagined external things to be the indices of things unseen. They therefore made issues hardly less important than those of life and death depend on evidence which after all amounted to no more than an uncertain guess. On this point, though referring to proceedings of a more ordinary character, he would quote to their Lordships the opinion of an eminent commentator on the law of evidence—a man who died much too early for the profession he adorned—Mr. J. W. Smith. Mr. Smith said—

“The opinion of witnesses possessing peculiar skill is admissible whenever the subject-matter of inquiry is such that inexperienced persons are unlikely to prove capable of forming a correct judgment on it without assistance—in other words, where the matter so far partakes of the nature of a science as to require a course of previous habit or study in order to the attainment of knowledge with regard to it. It does not seem to be contended that the opinion of witnesses can or ought to be received where the inquiry is into a subject-matter the nature of which is not such as to require any peculiar method or study in order to qualify persons to understand it.”

Now, was that the case in questions of soundness or unsoundness of minds? Was any such aid necessary to enable a jury to say whether a thing said or done was consistent with reason? Was it indispensable that persons should have studied in the School of Medicine, listened to lectures, and walked the hospitals, in order to form a conclusion whether a man was or was not a lunatic? Yet by the existing law that was the very absurdity they were daily committing. Men were denied the power of forming a moral judgment as to facts upon which every man of rational understanding was competent to form an opinion, and as to which every member or the jury was bound to decide; and they were forced to adopt, instead of their own moral conclusions, which they were perfectly able to form, and which it was their duty to form, the speculative views of members of the medical profession. Was that consistent with law or reason? He perfectly agreed with the noble and learned Lord near him, that the law of evidence ought to exclude these speculative opinions; but practically it did not do so, for an evil habit had grown up into a precedent with judges and juries of assuming that insanity was a physical disease and not a subject of moral inquiry, and therefore that they were bound to accept medical

testimony in reference to it. But the facts relating to the physical condition of a morbid brain were very obscure; even medical men sometimes fell into egregious errors—they never made allowance for peculiar idiosyncrasies. A celebrated Scotch judge administered justice for many years with great skill and knowledge of the law: after his death, which took place suddenly, a *post-mortem* examination was held, when it was proved that he had been subject to extensive softening of the brain, and that it had been going on for several years. If he had not been misinformed, something similar, though not perhaps to as great an extent, happened recently in the case of one of our own Judges, who died suddenly, and who, it was then found, had been suffering for years under the same malady. The only safe ground on which to proceed was the evidence of the words and facts, conduct, and demeanour, of the alleged lunatic. But then it was said, "Why do you limit the terms of the inquiry?" To which he would reply, "How can you form a judgment upon a man's state now, from what he said or did five years ago?" He granted, however, that a retrospective inquiry might sometimes be useful to the alleged lunatic himself. There might be cases in which a man might account for loss of memory by a reference to an accident. In defence of a man's sanity he would allow the inquiry to be carried back; but he saw no reason why it should be extended to the whole of a man's life in order to come to a conclusion which ought to be founded upon his state at the time. He, therefore, hoped that their Lordships would retain this clause.

THE EARL OF SHAFTESBURY agreed that it was both cruel and unjust to ramble over a man's past life when the sole question was whether or not he was mad at the present time; but he wished to explain that when the other evening he expressed the opinion that it was unnecessary to carry back the inquiry into a man's sanity for more than two years, he expressly excepted cases in which the existence of homicidal manias was alleged. In other cases you had only to deal with the present state of mind of the individual, and he therefore did not see why the investigation should be extended beyond that period. That seemed to be the opinion of Lord Eldon, because in a case which was tried before him that noble and learned Lord said, "Where insanity has not previously

existed, proof of insanity is not to be made out by rambling through the whole life of the party, but must be applied to a particular date." He confessed he had been very much astonished to hear the observations of the noble and learned Lord (Lord Cranworth), for the law already required in the certificate a recital of acts which had to be observed by the medical men themselves. Formerly a general expression of belief in the person's insanity was sufficient, and he had known a lady consigned to an asylum on a certificate which actually ran as follows: "She has certain impressions with respect to certain persons which are not accurate or true." Since then an Act—and a most necessary Act it was—had been passed requiring the mention of facts observed by the two certifying doctors themselves before a person could be deprived of his liberty; and he thought that the same rule ought to be insisted upon before they allowed him to be deprived of the management of his affairs.

LORD CRANWORTH agreed that the Legislature had very properly required the certifying medical men to detail facts observed by themselves, in a certificate on which alone, without any public inquiry, it was proposed to confine a person in an asylum; but he believed that this was the first instance when evidence which, *ex hypothesi*, was material to enable the jury to come to correct conclusions, was sought to be excluded by law.

On Question, Whether the said Clause shall stand part of the Bill, their Lordships divided:—Contents 38; Not Contents 26: Majority 12.

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| Airlie, E.<br>Albemarle, E.<br>De Grey, E.<br>Ducie, E.<br>Granville, E.<br>Russell, E.<br>Saint Germans, E.<br>Shaftesbury, E.<br>Spencer, E. | Foley, L. [ <i>Teller.</i> ]<br>Hunsdon, L. ( <i>V. Falk-<br/>land.</i> )<br>Keane, L.<br>Leigh, L.<br>Lyveden, L.<br>Manners, L.<br>Methuen, L.<br>Overstone, L.<br>Ponsonby, L. ( <i>E. Bess-<br/>borough.</i> ) [ <i>Teller.</i> ] |
| Eversley, V.                                                                                                                                   |                                                                                                                                                                                                                                       |

*The Lord Chancellor*



|                                  |                                     |
|----------------------------------|-------------------------------------|
| Rivers, L.                       | Skene, L. ( <i>E. Fife</i> .)       |
| Sandys, L.                       | Suffield, L.                        |
| Sefton, L. ( <i>E. Sefton</i> .) | Sundridge, L. ( <i>D. Argyll</i> .) |

NOT-CONTENTS.

|                             |                         |
|-----------------------------|-------------------------|
| Buckingham and Chandos, D.  | Dungannon, V.           |
| Marlborough, D.             | Abinger, L.             |
|                             | Chelmsford, L.          |
| Bath, M. [ <i>Teller</i> .] | Colchester, L.          |
| Exeter, M.                  | Colville of Culross, L. |
| Normanby, M.                | [ <i>Teller</i> .]      |
| Salisbury, M.               | Cranworth, L.           |
|                             | De Ros, L.              |
| Amherst, E.                 | Grantley, L.            |
| De La Warr, E.              | Kingsdown, L.           |
| Derby, E.                   | Redesdale, L.           |
| Devon, E.                   | Rollo, L.               |
| Lanesborough, E.            | Saltoun, L.             |
| Malmesbury, E.              | Wynford, L.             |
| Nelson, E.                  |                         |

Resolved in the *affirmative*.

Clauses 4, 5, and 6, severally read, and *disagreed to*.

Clauses, "Inquiries before a Jury to be made by means of an Issue to one of the Superior Courts of Common Law;" "Reference in other Acts to Inquisition to apply to Verdict on Issue,"—moved and *agreed to*.

Further Amendments made; the Report thereof to be received on *Thursday* next; and Bill to be *printed* as amended (No. 40).

House adjourned at half-past Eight o'clock, till To-morrow a quarter before Five o'clock.

HOUSE OF COMMONS.

*Monday, March 24, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Merchant Shipping Acts, &c., Amendment.

2<sup>o</sup> College of Physicians (Ireland); Public Houses (Scotland) Acts Amendment.

3<sup>o</sup> Bleachfields (Women and Children Employment).

EDINBURGH, DUNFERMLINE, AND PERTH JUNCTION RAILWAY.—REPORT.

Report from Select Committee on Standing Orders in respect of the Petition, for leave to deposit a Petition for leave to bring in the Edinburgh, Dunfermline, and Perth Junction Railway Bill, read.

MAJOR CUMMING BRUCE said, that he wished to move that leave be given to deposit a petition for a Bill upon this subject, pursuant to the prayer of the petition, upon which the Standing Orders Committee of the 14th of March had reported. He made the Motion on the grounds that the works proposed to be authorized would

be of great importance to the counties of Fife and Kinross and the whole North of Scotland, and that a Bill for a partially competing scheme had been already introduced.

Motion made, and Question proposed,

"That the Railways and Works proposed to be authorized by the Bill to which such Petition relates being of great importance to the counties of Fife and Kinross, and all the North of Scotland, and it being extremely desirable that they should be considered in the present Session, in which a Bill for authorizing a partially competing scheme has been introduced into Parliament, leave be given to deposit a Petition for a Bill, pursuant to the prayer of the said Petition."

MR. WEMYSS seconded the Motion. The line proposed in the Bill of the Edinburgh, Dunfermline, and Perth Junction Railway had the support not only of the district through which it passed, but was of national importance. It was a saving of twenty miles direct to Perth.

COLONEL WILSON PATTEN said, he wished to explain to the House the view which the Standing Orders Committee took of the Bill. The House was well aware that all railway companies were bound to give notice of the powers they asked for, and of the property which they intended to take. The House was particularly cautious with regard to amalgamation Bills in requiring due notice to be given. Now, there was a proposal for an amalgamation in the Bill with the East and West of Fife Line; but of that no notice had been given, and that constituted one ground for the rejection of the Bill by the Standing Orders Committee. But a still more serious breach of the regulations laid down by the House was that they had professed in their notice to take the Queen's Ferry—an important point, well known to all Members who had travelled northwards—under an equitable agreement with the owners, whereas the Bill itself proposed to take compulsory powers. What made the matter worse was that the company had done the very same thing last year, and the only excuse made this year was that the promoters of the Bill were not the same parties. But in truth the clause was precisely the same as that of last year, and the Standing Orders Committee—who could have no possible feeling upon the subject—had no option but to reject the Bill after that double infraction of the orders of the House. He thought the Standing Orders Committee were bound to do what they had done in order to protect private in-

terests, and to ensure respect being paid to the orders laid down by the House. He made these remarks without prejudice to the merits of the line, which was a matter with which the Standing Orders Committee had nothing to do. The decision of the Standing Orders Committee was unanimous.

SIR FRANCIS GOLDSMID said, that as a member of the Committee he joined in its rejection; but believing it to be for the interest of the district that the line should be made, he hoped the House would pass over the error that had been committed by the promoters.

MR. ADAMS said, he thought there were exceptional circumstances in connection with the Bill which should induce the House to allow it to be resuscitated. He trusted, therefore, that the House would not allow a question of technical detail to override the real justice of the case. The Bill was intended to confer a real benefit on the district over which it was proposed the line should traverse.

SIR JAMES FERGUSSON said, it would not be fair to the proprietors who petitioned against the Bill to expose them to the expense of opposing the line a second time in the same session. The House ought not to dispense with the Standing Orders on light grounds.

MR. R. HODGSON said, he should support the reinstatement of the Bill, on the ground that it would be beneficial to the community, and that there was a competing scheme before Parliament. There were three Bills now before Parliament, and amongst them the East and West of Fife line, seeking for powers of amalgamation, so that the scheme of amalgamation would not be done away with by refusing to reinstate the Bill.

MR. HENLEY defended the course adopted by the Standing Orders Committee, which he thought under the circumstances was the only one open to them.

MR. MASSEY said, that the promoters of the Bill were entitled to very little consideration, as a similar infraction of rules to that on which the report was founded had been committed by them in reference to a previous measure. The House should, however, consider whether the public interest was involved in the matter to such an extent as to induce them to take the exceptional course proposed. Having listened attentively to the case made, he did not think it sufficient to justify the setting aside of the report.

Colonel Wilson Patten

MAJOR CUMMING BRUCE said, that after the opinions which had been expressed by various Members of the Standing Orders Committee, he did not feel justified in going to a division, and he would therefore withdraw the Motion.

Motion, by leave, *withdrawn*.

#### THE POST OFFICE AND INTERNATIONAL EXHIBITION.—QUESTION.

LORD ROBERT MONTAGU said, he wished to ask the Secretary to the Treasury, Whether the Post Office authorities have undertaken to act as Agents in the International Exhibition for certain Railway Companies, for the issue of tickets, forwarding of parcels, and advising applicants as to the routes to be taken; and whether this had been done under the sanction of the Treasury?

MR. PEEL said, it was in contemplation to have an office in the Exhibition for giving information with regard to the means of transit in this country and between this country and abroad; but the office was in no respect in connection with the Post Office, and there had been no correspondence on the subject with the Treasury. What had occurred with reference to the Post Office was this, the Inspector General of Mails, Mr. Page, being the author of the suggestion, and having brought it before the Commissioners, had been requested, and, with the sanction of the Post Office, had undertaken to organize the department, which in all other respects was a private undertaking.

#### THE BANKRUPTCY LAW. QUESTION.

MR. VANCE said, he wished to ask Mr. Attorney-General, Whether it be the intention of the Government to introduce any measure to alter or amend the Bankruptcy Bill of last Session?

THE ATTORNEY GENERAL said, it was not the intention of Her Majesty's Government to introduce any such measure as that referred to by the hon. Gentleman. The chief difficulties which had been encountered in the working of the Bill of last Session arose from the irregular attendance of three of the five London Commissioners. A Return would be shortly laid upon the table of the House, by which it would appear that one of those gentlemen had attended only thirteen times since the 11th of October, and that the two others attended only twice a week,



and that for very short periods. There had been also some inconvenience experienced from the want of a sufficient number of Registrars. Directions had, however, been given by the Lord Chancellor for the correction of those evils, and also with respect to the attendance of the Commissioners. It was hoped that those instructions would have the desired effect; but if they had not, undoubtedly a Bill would be introduced in the present Session on the subject. He might mention that the number of Petitions in Bankruptcy in London lodged since the 11th of October was from three to four times as great as for the corresponding period of last year.

#### DEPOTS FOR THE RECEPTION OF EMIGRANTS.—QUESTION.

MR. KINNAIRD said, he would beg to ask the Under Secretary of State for the Colonies, Whether he has any objection to direct the Emigration Commissioners to report upon the expediency of establishing Depôts in the Ports of London, Liverpool, and elsewhere, for the reception of Emigrants awaiting embarkation?

MR. CHICHESTER FORTESCUE said, that if the hon. Gentleman would address a letter to the Colonial Office, specifying the information he required, the noble Duke at the head of that Department would direct the Emigration Commissioners to furnish it, and it could then be laid upon the table of the House.

#### CAPTURE OF THE "LABUAN." QUESTION.

MR. GREGORY said, he wished to ask the Under Secretary of State for Foreign Affairs, If the attention of the Government has been called to the reported capture in Mexican Waters of the British Vessel *Labuan*, laden with cotton, by a cruiser of the United States?

MR. LAYARD: In reply, Sir, to my hon. Friend, I beg to say that the attention of Her Majesty's Government has been called to the capture of a vessel named the *Labuan* in the port of Matamoras. The circumstances of the case have been brought under the notice of Lord Lyons, who has made a representation to Mr. Seward on the subject. I am unable at present to state the course which will be taken in the matter, but I may mention that the Government have considered it right to order a vessel of war to proceed

to the port of Matamoras for the purpose of defending British interests there.

#### POOR RELIEF (IRELAND) (No. 2) BILL. COMMITTEE.

Order for Committee read.

MR. GREGORY said, that before Mr. Speaker left the chair he wished to take that opportunity of bringing under the consideration of his right hon. Friend the Secretary for Ireland a matter of considerable importance as regarded the administration of the Poor Law in Ireland. As notice had been given that the Poor Relief Bill was to be discussed that evening, there was a large attendance of Irish Members, many of whom had been chairmen or members of boards of guardians in Ireland, and he might appeal to them whether the maintenance of the central authority—namely, the Commission—was not of the greatest importance to the carrying out of the Poor Law. That being so, it was their duty to do all in their power to prevent any collision between that authority and the guardians. But there was one stumbling-block of offence and cause of dissension which every body who was conversant with the administration of the Poor Law in Ireland must be aware of—namely, the mode in which Roman Catholic chaplains were dismissed from their appointments. He was not going to offer any opinion as to the course pursued by the Commission in dealing with the chaplains. No doubt, in a great number of instances the Commissioners were right and the chaplains were in error. On the other hand, it was a notable fact that in the last session of Parliament the House of Commons declared that in one instance a Roman Catholic chaplain was in the right and the Commissioners were decidedly in the wrong. His object was, if possible, to remove a cause of dissatisfaction, and the removal of which, he believed, would render the working of the Poor Law infinitely more satisfactory in Ireland. Fortunately, that cause of offence might be taken away without the slightest sacrifice of principle. He would propose that on all occasions when a Roman Catholic chaplain was to be remonstrated with or dismissed, a communication should be made in the first instance to the spiritual authority by whom he had been virtually appointed. Every body acquainted with the discipline of the Roman Catholic Church must know that no chaplain

could hold office for one moment unless he had the sanction of his spiritual superior; and it was also well known that when a chaplain was dismissed by the Commissioners the bishop was subsequently applied to, to name the person whom he wished to have appointed. That was the principle, he believed, which was observed in the administration of the English Poor Law. He did not, however, propose to take away the *ultima ratio* of the Commissioners, for in case of their being dissatisfied with the decision of the bishop, he wished to leave them free to take whatever course they might please. If that recommendation were adopted, he believed they would remove one great source of dissatisfaction that now impeded the working of the Poor Law. Roman Catholic bishops felt themselves in a false position. According to the practice of their Church, they could not recognise the removal from a spiritual appointment by secular jurisdiction. They found themselves consequently obliged to maintain a chaplain, or rather to object to his dismissal; whereas, had the case come before them in first instance, they would not have hesitated as to his dismissal. His right hon. Friend knew very well from two cases that had lately occurred, when a Roman Catholic bishop had been appealed to in reference to the misbehaviour of one of his clergy, that in each such case the prelate at once took cognizance of the charge and punished the offender. If such an arrangement as that he (Mr. Gregory) suggested were made, there could be no doubt that the working of the Poor Law in Ireland would go on much more smoothly than under the present system. He had no wish to introduce any clause into the Bill, but he hoped his right hon. Friend would make arrangements with the Poor Law Commissioners that in all cases where it was proposed to visit Roman Catholic chaplains with reprehension application should be first made to their spiritual superiors.

Mr. HENNESSY said, that he was anxious, seeing the right hon. Gentleman the chairman of the Select Committee which sat last year on the administration of the Irish Poor Law (Mr. Cardwell) in his place, to ask him for some explanation of the circumstance, that while the Committee had given a very voluminous blue-book and a short report, it had wholly omitted any mention of or explanation of a most extraordinary phenomenon attending Poor Law legislation. That phenome-

*Mr. Gregory*

non was, that while the number of persons receiving parochial relief in England was one in 23 of the population, and in Scotland one in 24; in Ireland, on the other hand, (according to returns that had been published) the proportion was only one in 140. If those figures represented the true state of the case, he wished to know why so extraordinary a fact was not mentioned in the Report of the Committee?

MR. NEWDEGATE said, the question brought before the House by the hon. Member for Galway was one of the most serious character and importance. It had been put to a Member of the Government who was responsible for the due administration of the law in Ireland, in such a manner that the public, if not the right hon. Baronet, the Chief Secretary for Ireland, might naturally assume that the authority of the House was in favour of the principle urged by the hon. Gentleman who made the suggestion, if the matter were passed over in silence and no objection were raised. Now, what the hon. Member for Galway asked the House to recognise was the authority by which the Roman Catholic bishops stated that they felt bound, inasmuch as they stated that they were bound by oath to the head of their Church to refuse their assent to the removal of any chaplain of any poorhouse who had not incurred the censure of his spiritual superior. He did not think that the House would be prepared to go to such a length as to admit that the legal appointments of chaplains to workhouses in Ireland made under the authority of the Crown should be subject to the authority imported into these dominions by a foreign power. Let it be mentioned, to the honour of several Roman Catholic bishops in Ireland, that they resisted that foreign authority until Legate Cullen arrived in Ireland, as the plenary representative of that authority, and arrogated to himself, after convening a Synod which was his mere instrument, the right of interfering with the constituted authorities of the Queen. These prelates paid due allegiance to the Sovereign of these realms. No formal and public attempt had previous to the Synod of Thurles been made directly from Rome to supersede the legal authority of this country. He trusted that the right hon. Gentleman, in his reply to the question put to him, would manifest every disposition to treat the Roman Catholic bishops in Ireland with all courtesy and deference due to



their spiritual functions, but at the same time that he would decline to commit himself, as the representative of the Crown, or by implication assume the consent of that House, to such a proposition as that any of Her Majesty's subjects could be held bound by an oath to resist the legal authority of Her Majesty in the removal of any officer appointed by Her authority, however much he might have misconducted himself in the performance of his functions.

MR. CARDWELL said, that in reply to the hon. Member for the King's County he had to state that the Committee had not, perhaps, been of opinion that it was a reproach to the Poor Law when it did not extend to a particular amount of population, or, on the other hand, they might have thought that it was a recommendation of the Poor Law when it did not extend to a large proportion of the population. But the Committee did not think it was necessary to enter into that part of the subject after it had been recently discussed in Parliament and in the Report of the Poor Law Commissioners. That part of the subject was only the preamble to a conclusion, and the point on which the Committee had to arrive at a conclusion was whether the Poor Law now in force in Ireland was in such a state that important changes ought to be made in it, and whether larger powers should be given for granting out-door relief. If the hon. Gentleman should be of opinion that the Committee had failed to give due attention to the subject, or if he supposed that the House was not fully possessed of the opinions of the Committee, the best answer was to refer him to their resolutions, the first of which stated that the present powers possessed by the guardians for granting in-door and out-door relief were sufficient, and that an alteration of the statute was neither necessary nor desirable. The second resolution was that the administration of the Poor Law guardians had been such as to justify Parliament in conferring the powers upon them which they possessed, and that it was not expedient to give to the Commissioners or to any other authority compulsory power to control them in the exercise of their discretion. The hon. Member was entitled to differ from the opinion expressed by the Committee on the subject of the Poor Law in Ireland, but he was not at liberty to assume that the Committee had not most plainly given to the House all the information which they obtained in reference

to the administration of the Poor Law in Ireland.

MR. BRADY observed, that he could not understand the conclusion to which the Committee had come, when the fact was apparent that in England only 16 per cent of the children of the poor received in-door relief, while in Ireland the proportion was 27 per cent. It was also notorious that mortality amongst the children in the work-houses in Ireland was something extraordinary, as compared with what it was in England. He was sorry that the system of poor relief in Ireland should be different to that followed in England. If out-door relief were permitted in Ireland, the cost of each pauper would be very considerably less than at present.

MR. BAGWELL said, the Bill of the right hon. Baronet had been circulated throughout Ireland, and had been carefully considered. The first clause had received the general approval of the ratepayers in towns, who were suffering from a continual influx of poor from the rural districts. The clause as originally printed would have been an improvement on the present law, but now it appeared that the right hon. Baronet intended to propose an Amendment which would completely alter the character of that clause. Such a proceeding seemed almost a breach of faith, and if the Amendment were persisted in, he would prefer the withdrawal of the Bill.

MR. BERNAL OSBORNE said, he thought that the details of the Bill might safely be left till the House went into Committee. There could be no doubt of the excellence of many of the clauses; but as the administration of the Poor Law depended upon the Poor Law Commission, it would be well before the Speaker left the chair to consider the constitution of that body. Of the three paid Commissioners two were importations from England, and both were of what was termed the "Reformed religion," while the third, the medical commissioner appointed in 1851, although an Irishman, also professed the Protestant faith. He did not complain of that, but in dealing with a country like Ireland he thought the House would agree with him that at least one member of the Commission ought to be acquainted with the feelings of that Roman Catholic population who formed nine-tenths of the recipients. In 1848, when the Board of Charitable Bequests was formed, one-half of the members were Roman Catholics, and that was a good example to follow in a country

where the last census showed that 4,500,000 of the population were Roman Catholics, and 1,300,000 of different denominations. The head Commissioner of the Poor Law Board was an Englishman and a Protestant. For nine months Mr. Ball, an Irishman and a Catholic, was a member of the Board, but on his resignation another Englishman, Mr. Senior, was imported. Having got rid of Protestant ascendancy in so many other forms, he thought it ought not to be revived in this instance. In England and in Scotland the Commissioners were Englishmen and Scotchmen respectively, and professed the national faith. In Ireland, however, not only were the members of the Board Protestants, but the head clerk was also a Protestant, and a large proportion of the clerks were also of that faith. Now, a Poor Law could not be successfully worked in a Roman Catholic country when the Commissioners were Protestants and Englishmen. If one Roman Catholic gentleman were placed on the Commission, he believed that they would escape a great deal of conflict with the authorities; and, however excellent in other respects the Bill might be, it would fail of its effect unless the administrators were men who knew the feelings and the prejudices of the people.

SIR ROBERT PEEL said, the hon. Member for Galway (Mr. Gregory) had asked, in reference to the Roman Catholic chaplains in workhouses, that the Roman Catholic bishop should be communicated with before their removal in any cases of misconduct. Now, in his experience, he had not found that great dissatisfaction existed on that score. He should wish to pay every respect to the religion of the great majority of the Irish people, but he did not think it implied any disrespect that the Commissioners should act towards Roman Catholics exactly as they acted towards Protestant chaplains. Protestant chaplains were removed without reference to the Protestant bishop, and no complaint had been addressed to the Government on that account. He must, therefore, beg respectfully to decline to accede to the proposal of the hon. Member.

The hon. Member for Clonmel (Mr. Bagwell) had stated that the insertion of an Amendment in the paper amounted to a breach of faith on his part. Now, he did not think that by proposing the omission of the word "continuous" he had been in any way guilty of a breach of faith. That word had been introduced in error; it was

not recommended by the Committee of last year, and it had no particular sense. He therefore thought that it would be very properly withdrawn; and it was his intention on going into Committee to propose a more explicit clause referring to that very subject, which he hoped would meet the approval of the Committee.

He was surprised to find that his hon. Friend (Mr. B. Osborne) entertained so unfavourable an opinion of the working of the Poor Law Commission; but he had not accurately stated the facts connected with the constitution of the Board. Mr. Ball was appointed under the Lieutenantcy of the Earl of Carlisle, not because he was a Roman Catholic, but because he was then the most efficient inspector, who stood next for promotion. His successor was appointed by the Earl of Eglinton, who selected Mr. Senior, not because he was a Protestant, but because he was the most efficient inspector who stood next for promotion. It would be very injudicious to try to introduce sectarian feeling in the selection of the members of the Commission; and, whether they were Protestants or Catholics, he was sure they would discharge their duties with fairness and impartiality. As to the *personnel* of the office, there was, a few years ago, a large majority of Protestants, but now a majority of the clerks were Catholics. He did not put that forward by way of excuse. It was simply owing to the fact that the Roman Catholics had proved themselves the most efficient men that could be selected. The hon. Gentleman had asked, why not do what was done in England and Scotland? But the hon. Gentleman, when he asked that question, should have been sure of the facts of his case. Why, in Scotland, the President of the Poor Law Board was an Episcopalian, and so, too, was the Secretary to the Board. [Mr. BERNAL OSBORNE: They are Scotchmen.] No doubt; but they were appointed not because they were Scotchmen, but for their especial fitness for the office. So, in Ireland, he had no doubt that if the next candidate for a vacancy was an efficient man, even though he were a Roman Catholic, he would receive the appointment, whatever Government held the reins of power. From his own experience of Mr. Senior and Mr. Power, he could say he had never known two officials who had shown a more lively desire to ferret out every case of distress that might require relief and assistance. He entirely dis-

*Mr. Bernal Osborne*



sented from the observations of the hon. Gentleman.

MR. MAGUIRE said, he rejoiced that the question had been raised by a Protestant Member of that House, because if a Roman Catholic had done so, it might have been said that it was all owing to bigotry. The right hon. Baronet was quite wrong when he spoke of the question as not worth raising. If the right hon. Gentleman had known what had transpired before the Committee of last year, over which the Chancellor of the Duchy of Lancaster (Mr. Cardwell) had presided with so much fairness and ability, he would be of a very different opinion. The Roman Catholic bishops, priests, and laymen who had been examined before that Committee were unanimous that there was a strong feeling of dissatisfaction in Ireland upon the subject. In the first place, nothing could be more unsatisfactory than that a law which dealt with so large a proportion of the people should be administered by men who were necessarily ignorant of matters on which the people felt a deep interest, who had no sympathy with the people's feelings, and who charged them with bigotry when they were merely asserting principles which they might consider sacred. He confessed that, as a Roman Catholic, he looked upon the administration of the Poor Laws by those gentlemen as a badge of slavery. [*Laughter.*] Hon. Gentlemen might laugh; but if they were Roman Catholics, they would understand his feelings. He considered the present system as, to some extent, a perpetuation of the odious Orange ascendancy, which had excited the hostility of the population of Ireland. Where three-fourths of the population were Roman Catholics he contended there ought to be at least one Roman Catholic on the Board; and if that were so, many of the difficulties which had arisen with the Board would have been smoothed away. The hon. Member for Galway had drawn attention to a matter of very considerable importance—the removal of chaplains without regard to the wishes of their bishops. But, beyond this, he would say the Commissioners endeavoured to override the spiritual power, by appointing chaplains to workhouses against the will of the Roman Catholic bishops; and there had been instances in which endeavours had been made to thrust disgraced clergymen into those places.

SIR ROBERT PEEL said, he rose to order. The hon. Member had asserted

that the Poor Law Commissioners had endeavoured to thrust disgraced clergymen into the workhouse chaplaincies. He begged most explicitly to deny that such was the case.

MR. MAGUIRE said, he would ask whether he had been out of order. The right hon. Gentleman, who held so high an office, ought to have been better acquainted with the rules of the House, or ought to have consulted the Speaker. He would repeat what he had stated that the Commissioners had attempted to force into positions in the workhouse clergymen upon whom lay the ban of their bishops—it might not have been for a very weighty cause, but who were *pro tanto* disgraced, and consequently not in a position to administer the rites of their religion. Every Roman Catholic gentleman to whom he had spoken felt that an insult was inflicted upon his co-religionists by not having a Roman Catholic on the Board.

MR. O'BRIEN said, that as a Roman Catholic Member of the House, he wished to disclaim all feelings of sectarianism in connection with this question. He thought, however, that if there were a Roman Catholic on the Board, many of those matters which had excited much odium and bad feeling throughout the country would never have occurred, because a little explanation given in private would have removed much cause of misunderstanding.

SIR FREDERIC HEYGATE said, that as he had known Mr. Senior for many years, he wished to defend him from the charges which had been made against him. Upon the formation of the Irish Poor Law Board, Mr. Senior, who had been already employed under the English Poor Law Board, was transferred to Ireland that he might give to that country the benefit of his great experience. During eleven or twelve years he travelled all over the country, and no man, of whatever politics or religion, who was brought into contact with Mr. Senior but must have acknowledged that he was a man of great fairness and ability. When a vacancy was caused by Mr. Ball's resignation, Mr. Senior, to the surprise of himself and his friends, was chosen to succeed, and it would be admitted that there was no more fair or honest officer. He could speak to the fact that the class of rate-payers who paid poor rates in Ireland were a very different class to those who paid such rates in England. There were many small farmers in Ireland in a struggling state, and who, by a slight ex-

tension of the provisions of the law, would almost become eligible for the receipt of relief themselves.

MR. POLLARD-URQUHART said, that he did not suppose that any one desired to impugn the manner in which Mr. Senior discharged his duties; but he would suggest that, as a matter of feeling and a mark of respect to the great majority of the Irish people, there should be a Roman Catholic on the Poor Law Commission. It was desirable that the Government should take an early opportunity of showing that, on that point, they were not insensible to the feelings of the Roman Catholic prelates and people of Ireland.

SIR GEORGE BOWYER said, that he had understood the right hon. Baronet the Secretary for Ireland to tell the House, that the removal of Protestant chaplains could take place without the concurrence of the Protestant bishops, and he believed their appointment could also take place without the concurrence of the Protestant bishops.

SIR ROBERT PEEL said, that generally the chaplains must have the consent of the protestant bishop to their appointment. There must generally be a licence.

SIR GEORGE BOWYER said, he believed the licence was sometimes dispensed with. But when the right hon. Baronet had argued from that that the appointment or removal of a Catholic priest could take place without the consent of his bishop, he had fallen into error. He (Sir G. Bowyer) would state, for the information of the House, that such a thing could not be done in the Roman Catholic Church, as a priest could not officiate in a workhouse without "faculties" from his bishop.

COLONEL GREVILLE said, that being acquainted with the feelings of the people of Ireland from a long residence there, he differed from the right hon. Baronet, who said that the matter was not worth much consideration. What would the people of England feel if the English Poor Law Board were composed of Irishmen and Catholics? He thought that the Irish people were entitled to have at least one Roman Catholic on the Poor Law Commission.

SIR EDWARD GROGAN said, he wished to ask whether it was desired that a Protestant Commissioner should be dismissed, in order to make room for a Roman Catholic, or that a Roman Catholic should be appointed as an additional Commissioner, or that, when a vacancy

occurred, a Roman Catholic should be nominated to fill it, simply because he was a Roman Catholic. When the Poor Law system was introduced into Ireland, it was absolutely necessary, for its successful working, to get gentlemen who were competent in every sense of the word to regulate the intricate provisions required for the conduct of the business, and he asked whether, at that time, any Roman Catholic gentleman was qualified for the task? The real point at issue was, whether the law of the land was to be made subservient to the canon law of Rome, and whether the Commissioners were to be precluded from carrying out the intentions of the Legislature unless the previous assent of the Roman Catholic archbishops and bishops in Ireland were obtained. It was not until recently, he might add, when those dignitaries began to issue their pastorals, and to meddle in the working of the Poor Law, that the complaints to which attention had that evening been called had arisen.

MR. WHALLEY said, that the hon. and gallant Member for Longford (Colonel Greville) had asked whether there would be dissatisfaction in this country if the Poor Law Commission were exclusively composed of Irishmen and Roman Catholics. He (Mr. Whalley) would reply, that there would be no dissatisfaction. There would be no dissatisfaction with regard to the present question if the Roman Catholic bishops and archbishops had in view merely the religious education of the people, and there was not involved in it that system of canon law which left nothing at rest, either social or political, in any country. [*Cries of Oh!*] Living in a country where there was a larger proportion of persons dissenting from the Established Church than was the case in Ireland—he alluded to Wales—he could assert that the fact of the Poor Law being administered by members of the Church of England never gave rise to a single complaint. In such cases Protestants deemed it to be their duty to act in obedience to the law, while the Roman Catholics interfered, not with the view of satisfying any conscientious scruple, or bringing about an improvement in religious education, but simply with the object of extending their power. Their desire was, as had been justly observed by the hon. Baronet who had just spoken, to extend the canon law of Rome, and the House knew what were the doctrines which that law laid down, [*Cries of Quote, quote!*

*Sir Frederic Heygate*



Read, read!] He would not trouble the House on that occasion. There was only one allusion he wished to make. Some three or four years ago that House appointed a Commission to inquire into the action and operation of the Roman Catholic system in Ireland as administered in the College of Maynooth. [*Laughter.*] He was not going to say anything in particular about Maynooth at that moment; he merely wished to illustrate his argument by a reference to the fact that there were on the Commission two Roman Catholic gentlemen, and that one of them not merely set at defiance the Royal Commission, and treated with contempt the power and authority of that House, but by his connivance a copy of the report found its way to Rome, where it was rewritten and altered. If one Commissioner could do that [Name, name!]—hon. Members would find the matter recorded in *Hansard*, with all the circumstances, and he hoped he should not be obliged to name the hon. Member—he would ask if he were not justified in saying there was something more in the question than merely the putting at the Board persons of different denominations? If Roman Catholics were placed in these posts of trust, they would be under the influence of the canon law of Rome, which would set everything at unrest, and militate against the social and political interests of this country.

LORD NAAS said, he wished to say a few words on the subject which had—but he thought not very wisely—been broached by the hon. and gallant Member for Liskeard; although he would admit that the subject of the constitution of the Poor Law Commission had been a good deal discussed in Ireland during the last few months. When Mr. Senior was appointed, the selection was made for departmental, not sectarian, reasons. The question considered was simply who was the most experienced and efficient person that could be found to administer the Poor Law. Prior to the appointment numerous applications were made from political friends to the then Government in favour of the claims of many gentlemen. The Earl of Eglinton, then Lord Lieutenant, disregarded all such applications, and appointed Mr. Senior, on the sole ground of official fitness, and on those grounds alone. He (Lord Naas) contended that it would be most injurious to the public service, as well as most unfair to Mr. Senior himself, to pass over his claims on the ground that he was a Pro-

testant. He would also observe, that before the Committee which had sat last year not a single instance had been adduced by the bitterest opponents of the Poor Law as administered in Ireland of the display of sectarian bias on the part of the Commissioners in the discharge of their duties. It was further shown before the Committee that no change in the policy of the Commission was consequent upon the resignation of Mr. Ball, but that the policy continued to be precisely the same as when he held office. It would, of course, have been a question deserving the consideration of the Government whether, if a gentleman equally well qualified as Mr. Senior to take Mr. Ball's place had presented himself, the fact of his being a Roman Catholic might not have been an additional recommendation in favour of his appointment; but, as the matter stood, the man who possessed the highest qualifications had not—as he thought was perfectly right—been excluded from advancement on the score of his religion. He repeated that the administration of the Poor Law in Ireland could not be justly charged with the exhibition of any sectarian bias, and he was sure that it was the desire of each successive Government to avoid such an evil. He felt persuaded that it would be found that every decision of the Board had been made irrespective of any particular religious prepossession; and he might add, that if it had been otherwise, the Commission would not have commanded the confidence which was extended to it from every portion of the country.

SIR GEORGE GREY thought that the noble Lord had completely vindicated the Government of which he was a Member, supposing that any charge had been brought against them for appointing Mr. Senior; but he (Sir George Grey) did not understand his hon. Friend the Member for Liskeard (Mr. Bernal Osborne) as at all objecting to the appointment of Mr. Senior. The noble Lord had laid down the rule which ought to govern those official appointments—namely, that of official fitness. When the Poor Law was about to be introduced into Ireland, gentlemen who were perfectly familiar with the law in this country were sent over there with a view to bring it into operation in that country. Mr. Power was one of those gentlemen; and he (Sir George Grey) could testify that it had been Mr. Power's desire to discharge his duties with the most perfect impartiality in all respects, and in

a manner quite irrespective of any national or religious feeling. He was sure that the same testimony would be borne by all those who had watched the administration of the Poor Law in Ireland. The rule to be laid down in all these cases was to appoint the most efficient person that could be found; but he readily admitted that it was desirable, so far as it could be done without violating that principle, to pay every deference to the wishes of the people among whom that law was administered. He did not think it likely, however, that any Government would select a man, simply with regard to his religion, and without reference to his official fitness, and he hoped Parliament would never expect any Government to act upon that principle. He had himself been guided by the principle of official fitness in an appointment which he made under the Fisheries Act, adopted last session. He had transferred a gentleman—an Irishman—from Ireland to England with an increase of salary, simply on account of the experience he had gained in the administration of the fishery law in that country.

THE O'CONNOR DON said, the hon. Member for Galway did not wish that the Roman Catholic bishops should have the power of dismissing or continuing in their offices Roman Catholic chaplains who might be complained of by the Commissioners. He merely desired that, before proceeding to extreme measures, the Commissioners should communicate with the ecclesiastical superiors of the offending chaplains, in order that disagreeable circumstances might be prevented from arising. If the bishop should refuse to accede to their wishes, then, of course, the Commissioners would be at liberty to follow their own course, as at present.

House in Committee.

Clause 1 (Existing Enactments as to Chargeability repeated — Chargeability according to Residence).

SIR ROBERT PEEL said, that he had several Amendments to propose in the clause, and although they did not alter its spirit or terms, yet for clearness' sake he had drawn up a new one, which would, he thought, better express his intentions. He would, therefore, propose that the first clause should be postponed till the other clauses of the Bill had been gone through.

LORD NAAS said, he hoped they would have an opportunity of considering the new clause in Committee.

SIR ROBERT PEEL: Certainly.

*Sir George Grey*

MR. LONGFIELD and other Members were of opinion, that as the first clause was one of the most important in the Bill, it would be better to discuss it then, as they were prepared to do.

The CHAIRMAN said, that it being a new clause, it must be brought up after the other clauses had been considered.

Clause postponed.

Clause 2 agreed to.

Clause 3 (Guardians may admit any poor person requiring Medical or Surgical Aid in Hospital).

MR. CORRY said, he wished to propose the insertion of words, the effect of which would be to preserve those useful institutions, county infirmaries, in their present *status* as infirmaries of the entire county. The Amendment proposed would effect this object in an indirect manner; but practically that would be its result. If the clause passed in its present shape, there would not be a county infirmary in Ireland two years hence. The workhouse hospitals would be no adequate substitute for the county infirmaries, the latter being, as a rule, much superior in point of healthiness, medical treatment, and efficiency, to any possible state to which the former could be brought. Moreover, the industrious poor in Ireland had an insuperable repugnance to seeking relief of any kind within the workhouse. If his present Amendment were rejected, it would be better that the clause should be entirely omitted from the Bill, because it would be inflicting a grievous injury upon the poor of Ireland to deprive them of the county infirmaries, and merely offer them in their stead workhouse hospitals, which the vast majority of them refused to enter. His Amendment would amount to little more than the confirmation of an existing Act of Parliament, because the 54 *Geo. III.*, c. 62, provided that no second public infirmary should be established within ten miles of one previously in operation. He would, therefore, move to insert in line 39, after "workhouse," the words "of all unions except those in which a county infirmary is at present established."

MR. GREGORY said, he should oppose the Amendment, as he feared its operation would be to make the entire county pay for institutions which only a few of the population of the county comparatively could avail themselves of.

CAPTAIN DAWSON expressed his intention to support the Amendment. Great care should be taken in bringing within



the walls of a workhouse that class of patients which now received medical relief in a manner much more agreeable and satisfactory in the medical establishments of the county.

SIR ROBERT PEEL said, he could not consent to the Amendment, which would render the clause quite impracticable. The object of the clause was to afford to the poor residing in distant parts of counties the means of obtaining medical and surgical assistance. It had been founded upon a recommendation of the Committee of last year, and it was one of the most important provisions in the Bill. If the Amendment was carried, there would be, in addition to an hospital in every union, an infirmary, for which the whole county would have to pay, while its benefits would be mainly restricted to the population resident in the immediate neighbourhood, it being found that 80 per cent of the patients treated in the infirmaries were resident within a radius of ten miles. According to the present law, £1,400 a year might be voted for each infirmary. The total sum paid by presentments was £24,255. The country at large paid over £24,000 a year for institutions which only provided in the whole 1,689 beds. The distribution also was unequal, for Galway, with a population of 315,000, had only 50 beds in the county infirmaries; while Carlow, with 68,000 inhabitants, had 40 beds. These facts proved that some alteration in the law was requisite, and he thought that the clause as now proposed would be found a beneficial provision for the destitute poor.

MR. POLLARD-URQUHART said, he feared that workhouse hospitals and county infirmaries could not exist together, and it was for the Committee to choose between them.

MR. LONGFIELD said, he did not doubt that the effect of the clause would be to diminish subscriptions to the county infirmaries, and that ultimately those institutions would disappear, but he thought that the destitute poor would be gainers, because more convenient and better institutions would be provided. He would suggest the adoption of an Amendment which would recognise the existing infirmaries, and also provide that as they died out the act should come into effect.

MR. MACDONOGH said, he would have preferred the total rejection of the clause. He thought the right hon. Baronet was in error in stating that the clause was based upon the recommendation of the Commit-

tee. The seventh resolution of the Committee was to the effect that it was expedient in cases of sickness and accident to extend the powers possessed by the guardians in regard to fever cases, under the 15th and 16th sections of the 6 & 7 Vict. c. 92. Under the 15th section of that Act the guardians had power to remove destitute poor from workhouses to hospitals or infirmaries, and the 16th section gave them power to grant out-door relief to destitute persons suffering from fever. The proposed legislation was not for the relief of the destitute, but would include the non-destitute poor, such as members of the constabulary, artisans, and others. It was proposed that there should be a general hospital annexed to the poor-house, and into that every person who wished it was to be admitted, paying the average cost of maintenance. Now, such legislation struck at the root of the Poor Law system, which was founded for the relief of the destitute poor alone; and it was at variance with the law of England; whereas the great object should be to assimilate the law of the two countries. It appeared to him that the great object in view by the promoters of the Bill was to discourage and destroy the utility of the established county infirmaries. In the Report of the Commissioners of 1854 that object was indicated when they proposed that so soon as a union was declared to be provided with an efficient general hospital, it should be exempted from contributing to the support of the county infirmaries. Ever since that period the idea had been kept alive, and was now sought to be realized in the present measure. It was difficult to understand the reason for that course, because the county infirmaries, so far from being a failure, had surpassed the expectations of even their most sanguine founders. There was abundant evidence to prove that amongst the poor Irish artisans there was a strong repugnance to enter the workhouse. Nevertheless, the measure was framed for the purpose of compelling such persons to enter those establishments. He therefore called upon the Committee to strike out the clause, which was totally at variance with the very principle and object of the Poor Law. It was said that the power of giving relief in county infirmaries was limited to a radius of ten miles. That, however, was not a fact. To prove how untrue that statement was, he might refer to a return of the Tyrone Infirmary, from which it appeared that the relief

given within a definite period numbered 6,184 persons within the ten miles radius, and 6,990 beyond the ten miles radius. He should support the Amendment, believing that the proposed legislation was unnecessary and uncalled for.

MR. MAGUIRE said, if the county infirmaries were animated beings, and could be brought in bodily presence to that House, they would be ashamed of the character given of them by the hon. and learned Gentleman. Now, he (Mr. Maguire) would give a description of one of those magnificent establishments in the county of Cork. The population of that county in 1841 was 830,000, but by the last Census it was only 550,000. For the last five or six years there was a wretched hut on the roadside of Mallow which was dignified by the title of an infirmary. That grand establishment had fifteen beds to accommodate the whole population around them. He believed in its best days it had never more than twenty beds. He thought that the hon. Member for Cork had rendered a great service by proposing to do away with that miserable humbug of a county infirmary in Mallow, and in obtaining the assent of the grand jury for the erection of an hospital in Cork, with at least 150 beds. He thought that the clause under consideration was one of the best provisions of the Bill, and was dictated, not only by expediency, but by the best feelings of humanity. By the existing law, if a poor man fell sick, and his disease was not infectious, he could not obtain admittance into the hospital unless every member of his family consented to enter the workhouse. Could anything more inhuman be perpetrated under the cover of giving relief? He repeated the clause was the most valuable clause in the Bill, and he hoped the right hon. Gentleman would be firm in resisting its exclusion.

MR. BLAKE observed, that he concurred in thinking the clause one of the most important in the Bill.

LORD NAAS said, he objected to the principle of the clause, which for the first time applied a tax levied for the relief of the destitute to another purpose. It was true that in many counties the county infirmaries did not effect as much good as they ought to do; but the reason was, because of late years an opinion had prevailed that the Government were about to discontinue the aid given to them, and through the medium of the Poor Law

*Mr. Macdonogh.*

machinery to create rival institutions. If, however, it should be made known that it was not the intention of the Government to press these clauses, not only would the present infirmaries be well supported, but new ones would arise, and a great amount of relief would be given to poor persons, not being destitute, through the medium of private charity.

LORD CLAUD HAMILTON said, he should have voted in favour of the clause but for the observations which had fallen from the right hon. Gentleman opposite (Sir R. Peel); but having heard those observations, which he considered a death warrant to county infirmaries he could no longer retain the favourable impression the clause at first had made upon him. The county infirmaries were the most valuable class of institutions in existence, and the clause was evidently intended to compass, in course of time, their entire abolition. He should therefore oppose the clause; but he was also opposed to the Amendment, because it did not in his opinion sufficiently relieve the clause from the objections which he felt existed to its adoption.

MR. CARDWELL said, that the object of the clause was to extend the utility of the workhouse hospitals to a most urgent class of cases, and to give relief in those instances in which the present system of out-door relief was not sufficient, as administered under the Medical Charities Act. The clause ought not to be rejected. It was proposed in no spirit adverse to the county infirmaries; and the aid it extended was of a kind not liable to the same abuses as other descriptions of relief from the poor rates. He thought that the Amendment which had been proposed would not assist the county infirmaries.

MR. WHITESIDE said, he should support the Amendment. The consequence of the Bill would be that the Government would next year introduce a short measure to levy fresh sums of money from the counties to defray the expense of that novel plan. Did the new plan, he would ask, apply to England, and were poor persons in this country called destitute persons? According to the definition given, poor persons were translated into destitute persons. The real meaning of the clause was—first, to translate the word “destitute” into “poor;” next, to increase the expense of the Poor Law administration; and, finally, to destroy the county infirmaries.

MR. O'BRIEN said, he must deny that



those who were in favour of the clause had any wish to injure the county infirmaries. The only thing they had to consider was the condition of the destitute poor. It was a very desirable object to bring medical and surgical aid within reach of those who required it, instead of their being compelled to go a distance of twenty or thirty miles to the county infirmary.

SIR EDWARD GROGAN said, that the destitute poor were already amply provided for, and the question at issue really was, whether the whole system of poor relief in Ireland was to be changed; and whether the same medical relief was to be extended to poor persons as to those who were destitute. The Government apparently meant by their proposal to make the hospitals the means of relieving all classes of suffering humanity, and he regarded the clause as a departure from the original purpose of the Poor Law. The experiment was perilous, and would lead to the destruction of the county infirmaries, introduce a system of centralization, and eventually involve the county in a large additional expenditure. It would also discourage that spirit of independence which induced the people to do anything rather than accept public aid. What would be the consequence of passing this clause? Why the Government would have to build new hospitals for this class of patients. No one had petitioned for such a change, nor did anything of this kind exist in England. Such a system would not be tolerated in a country where the people managed their own affairs. The poorhouses of Ireland were rapidly becoming little more than lying-in institutions. Let the House pass this Bill, and the only check upon the unlimited increase of such cases would be removed.

MR. M'CANN said, he did not believe that the Bill would have the effect of abolishing the county hospitals of Ireland. He looked upon the extension of medical relief to the poor, as the greatest boon that could be conferred on the people of Ireland.

CAPTAIN STACPOOLE observed, that he entirely agreed with the hon. Member who had last addressed the Committee.

COLONEL DUNNE said, he would express a hope that there was no intention to do away with the infirmaries in Ireland. They had been of immense benefit to the country, and had been a means of raising the charac-

ter of their medical practitioners to a very high degree. He thought that no cases of chronic or permanent disease should be sent to the poorhouse hospitals. The Committee ought to lay down a rule defining what class of cases should go to the poorhouse, and what to the county infirmary. His own opinion was that only sudden and urgent cases should be sent into the workhouse infirmary; and that the clause should contain some such limit as "Provided always that there shall be room in the hospital over and above what is required for the poor."

MR. BRADY said, he would admit that the county infirmaries had done great good in Ireland; but there were many cases in which those institutions did not meet the wants of the people. It was therefore the duty of the Committee to sustain and encourage the medical officers of the various unions.

Amendment *negatived*.

MR. CORRY said, he thought it would be more convenient to take the division upon the clause itself.

Question put, "That clause 3 stand part of the Bill."

The Committee *divided*:—Ayes 96; Noes 69: Majority 27.

Clause 4 (Poor persons of sufficient ability to pay the Cost of their Maintenance in Hospital, or part thereof, required to pay the same).

MR. POLLARD-URQUHART said, he wished to move the insertion of the following words after the word "Ireland," in the 21st line:—

"Provided also, that if such poor person deny his or her ability to pay the cost of his or her maintenance while in the hospital, or such portion of his or her maintenance as the guardians may demand, it shall be incumbent on the guardians, in seeking to recover the same, to bring satisfactory proof of such poor person's ability to do so."

SIR ROBERT PEEL said, he could not agree to the Amendment. It would be an extremely difficult thing for the guardians to bring satisfactory proof of a poor person's ability to pay the costs. He hoped the hon. Member would not persevere with his Amendment.

MR. BRADY said, he should support the Amendment. He could not understand the objection to it, as he thought the guardians could easily ascertain the circumstances of life of these poor persons.

MR. O'BRIEN remarked, that he thought that the Amendment was unnecessary.

MR. Mc'CANN said, he was of opinion that the matter might well be left to the guardians in each case.

Amendment *withdrawn*.

Clause, as amended, *agreed to*.

SIR HUGH CAIRNS proposed the introduction of the word "domestic" into the clause, so as to make it include domestic servants.

Amendment *agreed to*.

Clause 5 (Admission of Constabulary Patients).

COLONEL DUNNE said, he would propose to add, after "daily maintenance," the words, "and establishment charges." The constabulary ought to pay the entire cost connected with their medical treatment, and not merely a part of it.

SIR HUGH CAIRNS said, he thought the object of the Amendment would be attained by the clause as it stood, as the word maintenance included establishment charges.

SIR ROBERT PEEL said, that it would be impossible to apportion the amount of the establishment charges; and therefore he could not agree to the Amendment.

LORD NAAS said, he believed there would be no difficulty in fixing a proportion of establishment charges payable on account of the class of patients referred to.

SIR GEORGE LEWIS observed, that inasmuch as there were no additional officers, no additional expense for warming and lighting, &c., he was at a loss to see on what ground an additional charge was to be made on the establishment.

LORD JOHN BROWNE said, he would not dispute the legal interpretation of the word "maintenance" with the hon. and learned Member for Belfast, but it was not understood in Ireland by those who had the carrying out of the law to include establishment charges.

MR. DAWSON said, he should support the Amendment.

SIR HUGH CAIRNS said, he would suggest that, to remove all doubt upon the point, it should be distinctly provided that the latter words—which recurred in several other clauses—should be taken to embrace "establishment charges" as well as any others.

COLONEL DUNNE said, he would adopt that suggestion, if the right hon. Baronet, the Chief Secretary, would assent to it.

SIR ROBERT PEEL thought the best plan would be to adopt the words "medi-

cal and surgical treatment," included in another clause. There would be considerable difficulty in ascertaining the amount of establishment charges.

SIR GEORGE LEWIS said, he entertained doubts as to the equity of the proposal. It would be perfectly reasonable to pay for the maintenance of constabulary patients, but establishment charges were a fixed *quantum*, which those patients did not in any way affect.

SIR HUGH CAIRNS said, the Bill as it then stood, included the cases not only of constabulary patients, but of poor persons not destitute. According to the right hon. Gentleman's argument, those persons, however numerous, or however much they might swell the establishment charges of hospitals built out of the county-rates for the maintenance of the destitute poor, ought to defray none of the extra expenditure incurred on their account.

SIR GEORGE LEWIS observed, that his argument was not refuted by an extreme case. If the numbers were doubled by the admission of the police, so that the building had to be enlarged or the staff augmented, then the objection would apply; but as the charges under these heads remained fixed, it would be unreasonable to require repayment on account of them.

COLONEL DUNNE remarked, that it was the first time he had heard the Irish constabulary were under the protection of the Secretary at War. He would remind the Committee that the district which had the greatest number of paupers in it had to bear the greatest proportion of the establishment charges.

MR. H. HERBERT said, he thought the hon. and gallant Member was in error; the payment was made in proportion to the property valuation of each union.

MR. MAGUIRE said, that taking into account the very moderate pay of the policemen, he was willing to make the cost of their relief during illness as light as possible.

SIR HUGH CAIRNS said, he must press hon. Members to bear in mind that irresistible claims for increase of salary by all the existing officers of these establishments would inevitably attend the increase of business thrown upon the institutions.

MR. CONOLLY said, there was a distinction to be drawn between those who paid for relief and those who received it.

Mr. O'Brien



SIR ROBERT PEEL said, he wished to know whether the hon. and gallant Gentleman intended his Amendment to refer to the whole establishment charges, or solely to the hospital charges?

COLONEL DUNNE said, he meant the whole charges of the establishment

SIR GEORGE LEWIS suggested, that it should be left to the guardians to assess the average cost of relief.

LORD CLAUD HAMILTON said, he hoped that the Committee would state their own intentions, and not impose the duty of interpreting them on the guardians

*Amendment agreed to.*

Mr. BAGWELL said, he would then propose the addition of the following proviso to the clause:—

“Provided always that the medical officer of such union be paid for medical and surgical attendance by the constabulary authorities as if such attendance had been given out of the workhouse.”

SIR ROBERT PEEL said, he thought it impossible to adopt the Amendment, especially after the decision at which the Committee had just arrived.

*Amendment negatived.*

*Clause agreed to.*

Clause 6 (Poor persons claiming to pay cost of their maintenance not to be disfranchised).

SIR EDWARD GROGAN said, he would move as an Amendment the insertion of words providing that the register containing the names of those who had received relief without payment should be open to the inspection of such persons as desired to examine, or take extracts from it free of charge, and that a copy of the entries, under the seal of the guardians, should be legal evidence of the facts stated in it.

SIR ROBERT PEEL would assent to the Amendment; but he would suggest that the hours for inspection should be specified.

SIR EDWARD GROGAN had no objection to the addition of the words “between the hours of ten and four o’clock.”

*Amendment agreed to.*

*Clause, as amended, agreed to.*

Clause 7 (Guardians may send inmates of workhouse to hospital).

LORD NAAS asked, whether the provision was meant to apply to paupers only, or to other persons as well?

SIR ROBERT PEEL replied, that it would apply to all classes of inmates.

SIR HUGH CAIRNS said, that it would be dangerous to extend the provision to persons not paupers, because the previous clauses had given power to recover the cost

of their maintenance in the workhouse only and not in other hospitals to which they might be sent. He would therefore move the insertion of words to restrict the operation of the clause to cases where special treatment was required, or where the union had not special hospital accommodation.

SIR ROBERT PEEL assented to the Amendment of the hon. and learned Gentleman. The term “inmate” included the poor as well as the destitute.

MR. E. P. BOUVERIE moved the insertion of words so as to provide for the repayment of the expenses of conveyance to and treatment in the hospital as well as of maintenance.

SIR HUGH CAIRNS said, that the word “inmate” in the clause was rather indefinite. If the guardian sent a constable, for instance, from the workhouse to another hospital, there should be some means of recovering the cost to which the union would be thereby put.

SIR ROBERT PEEL said, the amendment of the hon. Member would meet the difficulties of the case.

*Amendment agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 8 (Guardians to have same authority as parents in cases of children under fifteen years of age relieved without parents).

MR. NEWDEGATE observed, that the clause authorized the guardians to give up the child to any relative. He thought that such relative should not be allowed to have the child unless he took upon himself the maintenance.

SIR ROBERT PEEL said, if a relative took a child out of a workhouse, he thereby became liable for its maintenance.

MR. NEWDEGATE said, he thought words should be inserted to render such intention clear.

MR. GREGORY said, he would propose these words to meet the difficulty—

“Any relative who in the opinion of the guardians is a fit person to be intrusted with the custody of the child and of sufficient ability to maintain it.”

*Amendment agreed to.*

*Clause agreed to.*

SIR ROBERT PEEL said, he would print the Amendments which he proposed to introduce in the future clauses before the Committee on the Bill was resumed.

*House resumed.*

Committee report Progress; to sit again on Thursday.

PIER AND HARBOUR ACT AMENDMENT  
BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 7 *agreed to*.

Clause 8 (Consent of Commissioners on Woods and Forests).

MR. E. P. BOUVERIE said, he would move the omission of the next clause, which provided that no harbour or pier shall be constructed below high-water mark without the consent of the Woods and Forests. There had been many disputes lately between the Crown and private persons as to the property in the foreshores, and the clause seemed to be inserted in the Bill for no other purpose but quietly to establish a claim on behalf of the Crown.

MR. MILNER GIBSON explained, that the clause had been inserted for convenience, and that it could not be acted upon without the consent of Parliament. However, it was not necessary, and therefore he was quite ready to omit it from the Bill.

Clause *withdrawn*.

Clauses 9 to 26 *agreed to*.

Clause 27 (Power to amend or repeal Local Acts).

MR. E. ELLICE (St. Andrews) said, he objected to the clause on the ground that it gave extraordinary powers to the Board of Trade; by its provisional order the Board could supersede or virtually repeal an Act of Parliament. He should oppose the clause.

MR. MILNER GIBSON explained, that the provisional order only did away with the necessity of coming to Parliament for special powers. The order would have no force unless affirmed by the House of Commons. There was no reason for omitting the clause altogether.

CAPTAIN JERVIS said, he thought it would be better to omit the clause.

SIR GEORGE LEWIS said, there were many precedents for giving the power to make such provisional orders; they were intended to obviate the expense of private Bills. Such an order was always embodied in a Bill, to be affirmed by Parliament, but it was not necessary for it to pass the preliminary ordeal of going before a Committee upstairs.

MR. E. P. BOUVERIE said, the real objection to the clause was that the full notice required by the standing orders would not be given. He spoke from some experience of these things, and he could say that the only notice that would be given to repeal an act of Parliament, affect-

ing perhaps valuable private property, would appear in the *Gazette*, and 99 out of 100 would not be likely to see it. When a Bill was brought in by a public department there was a long schedule of 70 or 80 pages, embracing those provisional orders which nobody would take the trouble to read, and the whole force of the Government would be brought to bear in support of the measure. Except with regard to the Board of Health there was really no precedent for conferring such a power on a Government Board.

MR. MILNER GIBSON said, there was a clause in the Bill which was to the effect that in case any petition should be presented to either House of Parliament against any provisional order made in pursuance of the Act, that petition might be referred to a Select Committee.

MR. E. ELLICE (St. Andrews) said, there was no doubt that such notice would not be given as would be sufficient for the parties interested.

Question put, "That Clause 27, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 35; Noes 71: Majority 36.

Remaining clauses *agreed to*.

Clause (Saving rights of Duchy of Cornwall) *brought up*, and read 1<sup>o</sup>, 2<sup>o</sup>.

MR. AUGUSTUS SMITH said, that the clause was not printed. He should be glad to know its meaning.

MR. MILNER GIBSON said, that the clause was merely intended to reserve the rights of the Duchy of Cornwall. It was not meant to confer any new rights on the Crown.

MR. AUGUSTUS SMITH said, that the rights of the Crown were saved already, by previous clauses in the Bill. The clause was unnecessary, and he should oppose its insertion.

Question put, "That the clause be added to the Bill."

The Committee *divided*:—Ayes 71; Noes 27: Majority 44.

Clause *agreed to*.

On the question that the preamble be agreed to,

MR. AUGUSTUS SMITH said, he would move that the Chairman report progress; and, in order to justify himself in dividing the House on the last clause, he wished to state that last session a clause of the kind had been introduced, and between the passing of the bill and the Royal assent three suits were instituted by the Duchy of Cornwall against the



owners of as many properties in Cornwall, although it was understood that no suits would be instituted previously to the Bill passing. It was things like these that brought the Duchy of Cornwall into disrepute.

*Amendment withdrawn.*

*Preamble agreed to.*

*House resumed.*

*Bill reported; as amended, to be considered on Wednesday, and to be printed. [Bill 60.]*

# MUTINY BILL.—COMMITTEE.

*Order for Committee read.*

*House in Committee.*

*Clauses 1 to 21 agreed to.*

*Clause 22.*

MR. WHITE said, he wished to move the omission of Clause 22, which authorized flogging in the army. He thought it worth while to mention that flogging in the army, to which he had much repugnance, had very considerably diminished since he last had the honour of bringing the subject forward. He would not detain the House, but would jump at once into figures. The flogging during the year 1860-1 was—the Infantry, in 40 regiments, 96 men were flogged; the Cavalry, in 28 regiments, 29 men were flogged; the Royal Artillery, 41 men were flogged; the Engineers, 1 man was flogged; and the Military Train, 12 men were flogged; total, 179. In 1858-9, no flogging in 65 regiments; in 1859-60, no flogging in 34 regiments; in 1860-1, no flogging in 19 regiments. In 1858, the lashes given on an average per man were 42; in 1859, 44; and in 1860, 48. The men flogged in the army and militia, in 1857, were 112, and they received 5,240 lashes; in 1858, 218, and they received 9,338 lashes; in 1859, 512, and they received 22,565 lashes; and in 1860, 179, and they received 8,597 lashes. The Committee would perhaps be struck by the great discrepancy between 1859 and 1858. It was believed out of doors that that was owing to the interpolation of two words into the Mutiny Act. He had referred to *Hansard*, and taken some pains to inquire into the matter, and he was forced to the conclusion, that if the Mutiny Act of that year was managed in the same manner as that of this year—that was to say, no printed copy laid before the House till about two hours before going into Committee—it was quite possible that at the instigation of the military authorities words

might have been interpolated providing for an augmentation of punishment. He was encouraged in that belief by the Returns. He found that in the Returns for 1857, desertion did not appear to be punished by flogging; in 1858, there were floggings for desertion in four cases; in 1859, 257 cases for desertion out of 512 flogged; and in 1860, 43 cases for desertion out of 179 cases of flogging. He would not trespass longer on the time of the House. Sixteen years ago the Duke of Wellington said that he felt confident the time would come when punishment by flogging would be abolished, and he hoped to live to see the day. It was, however, still continued, and was, he (Mr. White) believed, detrimental to the discipline of the army, degrading to the national character, and subversive of Christian feeling. He should move the omission of the clause, and as long as he was honoured with a seat in the House he should do the same.

SIR GEORGE LEWIS observed, that while the number flogged in the army was, as the hon. Gentleman correctly stated, 179 in 1860-1, it had amounted to 512 in 1859-60; so that a material change had taken place in that respect within a period of two years. That change, he added, was due to the Order in Council which had been issued in November, 1859, and which was to the effect that all persons entering the army were to be exempted from the punishment of flogging until they happened to have been degraded, by the commission of some serious offence, from the first, in which they were placed on their entrance, into the second class. He might further observe that, although a soldier might be reduced to the second class, he might, after a certain period of good conduct, be restored to the first class, in which case he would again become free from liability to the punishment of which the hon. Member complained. It was quite clear, from the figures he had quoted, that a material diminution in the number of men who were flogged had been the result of the change to which he referred. He might also state that the *maximum* number of lashes which would be inflicted was reduced to fifty, as set forth in the clause which the hon. Gentleman sought to annul, and, looking at the necessity that existed for maintaining discipline, which could not be done without some such sharp discipline, he thought the Committee would not be justified in abolishing it altogether, however much they might be

disposed to take that course on the ground of humanity. He hoped that the General Order which had been recently published would receive a fair trial and that the clause would be retained.

Mr. PEASE said, he was convinced that flogging was not necessary for the maintenance of discipline. He would support the Amendment.

Question put, "That Clause 22 stand part of the Bill."

The Committee *divided* :—Ayes 67 : Noes 14 ; Majority 53.

Clause *agreed to*, as were also Clauses 23 to 25.

Clause 26.

Mr. HENNESSY said, he objected to Clause 26, which provided that when an offender was dismissed from the army he should be branded upon the right breast with the letters "B.C." He supposed that meant "barbarous custom."

He should move the omission of the clause.

Sir GEORGE LEWIS said, the letters "B.C." stood for "bad character," and the object was, when a soldier had once been discharged for bad conduct, to prevent his being re-enlisted. The branding was not a painful operation. It used to be done with a hot iron, but the mark was now made with gunpowder.

Mr. COX said, he understood that the letters were formed with a needle steeped in gunpowder. The custom was a brutal and demoralizing one, and ought not to be tolerated in a civilized age.

Clause *agreed to*.

Remaining Clauses were also *agreed to*.

House *resumed*.

Bill *reported*, without Amendment ; to be read 3<sup>o</sup> *To-morrow*.

House adjourned at half after  
One o'clock.



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TO

## HANSARD'S PARLIAMENTARY DEBATES, VOLUME CLXV.

FIRST VOLUME OF SESSION 1862.

### EXPLANATION OF THE ABBREVIATIONS.

1R. 2R. 3R. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-Committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negative.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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